

# Hawaiian Gazette.

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HONOLULU, H. T., FRIDAY, NOVEMBER 13, 1903—SEMI-WEEKLY.

WHOLE No. 2538.

## MERCHANTS OPPOSE COAST PURCHASES

**Demand Made That Building Material Be Bought From Local Dealers.**

**Builders and Traders Exchange Asked to Investigate Protest—Labor Council Will Patronize Citizen Employers.**

Leading business houses in Honolulu, handling building supplies, have joined in a protest to the Builders' & Traders' Exchange against the practice of some of its members in patronizing San Francisco firms for material which local houses are prepared to furnish.

The protest was the leading subject for discussion at the meeting of the directors of the Exchange last evening and a committee was appointed to investigate. The firms protesting ask that only local firms be allowed to bid, and complaint is made of the practice of the government and of private corporations in sending to the coast for material.

A further objection is that the local firms are entitled to commissions on the goods purchased on the coast and that the material should be ordered through them.

The principal objections are embodied in the following letter which is signed by nearly all of the leading houses dealing in building materials:

Honolulu, T. H., Nov. 10, 1903.  
To the Directors of the Builders' & Traders' Exchange.

Dear Sirs: We desire to bring to your attention certain matters in regard to government and other contracts, which we think should have careful attention, and after due consideration such action taken as may be deemed for the best interests of the members of this association.

It is reported, and we believe it to be true, that some of the members of this Association, contractors, have sent plans and specifications of proposed buildings to the coast for full material bids, that is for brick, lime, cement, lumber, hardware, iron work, etc., in fact, for all material required for the erection of buildings. As an Association, supposed to be formed for the mutual interests of the Builders and Traders, it does not seem right that a former should go beyond and into a province of the latter and import their own materials. The merchants of this city being away from sources supply, have to carry very large stocks, and it is for the interests of all at such a time. The Builders are in position then to have their wants supplied as they may arise, but if the porting by Builders should become general, the traders could not afford to carry such full stocks. Again, if the Builders do not propose to support the interests of the Builders and Traders, will not result in the latter going into a construction business, and if necessary, sending away for men to do the work? Many, and probably most of the Builders prefer to trade with their fellow members, but if others are going to do their own importing for

special jobs, they are, of course, handicapped, because it is not reasonable to suppose that the traders can carry such stocks of goods as they do now, with the attendant expense without having some profit.

Again we understand, although we may be wrong in this, that it is the policy of the government to send away and get bids on work to be done here. This, if so, we consider to be entirely wrong. While such a course might possibly be taken by individuals, for the government to do it would be a step on its part to destroy the interests of the community. The persons engaged in the supply of labor and materials for the erection of buildings, compose a large class of heavy taxpayers, and the government is certainly interested in the welfare of its constituents and supporters. This is shown by forbidding all except citizen labor on contracts. Why not as well limit the bidding on contracts to bona fide citizens of the Territory.

We submit these matters directly in the line of subjects to be considered by this Association, and as members of it, we ask you to take such steps in the premises, say the calling of a meeting for general discussion, or such other action as may be by you deemed wise, in order that intelligent and forceful action may be taken, which shall be for the benefit of all concerned.

After lengthy discussion the following committee was appointed to investigate and report at a meeting to be held on November 19th: W. W. Harris of Lewers & Cooke, George Rodiek of Hackfeld & Co., G. F. Bush of Honolulu Iron Works, W. W. Hall of O. Hall & Son, L. E. Pinkham of the Concrete Construction Co., Arthur Harrison and J. H. Craig.

SHIPPING MEN WANT AID.

A circular request was also presented from the New York Board of Trade and Transportation asking the Exchange to pass resolutions favoring aid for American shipping. The New York Chamber suggests "the propriety of your adopting resolutions embodying your views as to the best means by which American deep sea ship-building and ship-owning can be re-established."

Action was deferred and the letter will be turned over to other commercial organizations of the city for action.

LABOR WILL HELP.

A request was received from the Labor Council for the names of such citizens, particularly merchants, who had agreed to use citizen labor exclusively. The Exchange agreed to furnish such names, but not of merchants who had not complied, as it is not the intention to establish a black list.

## NEW SHERIFF OF HAWAII WAS ONCE A GAMBLER

**William Keolanui Manaole Who Was Elected Over Sheriff Andrews Arrested as a Che Fe Banker in Honolulu.**

Unless William Keolanui Manaole, the newly elected sheriff of East Hawaii has reformed, the gamblers of Hilo and surrounding country will be in clover for the year of Sheriff Manaole's term.

For the police of Honolulu know Manaole well—known him as a confirmed gambler. In fact there are not many of the men on the force who have served for any lengthy period who have not had a part in raiding Sheriff Keolanui Manaole and his che fa games. Manaole is a graduate of Kamehameha—a classmate of John Wise who ran for sheriff in Oahu County. He is a carpenter by trade but he found early in his career that gambling was a more profitable and much easier means of earning a livelihood. And what is more to the point William also learned that it is much easier to win as a banker than as a mere che fa player. So the newly elected sheriff of East Hawaii conducted a bank instead of trying to entice the elusive dollar from other bankers, as so many of his acquaintances tried to do and failed.

And another thing did William learn early in the game of life. When he was arrested as sometimes happened he cheerfully pleaded guilty and paid his fine. This he found to be more profitable than standing trial and paying lawyer's fees while his che fa bank suffered from his absence in attending court.

Sheriff Chillingworth remembers having arrested Bunker Manaole on one occasion. This was about the year 1898 and Manaole and his game in Puunui was raided by Chillingworth and a couple of officers. This is supposed to have been the newly elected sheriff's last appearance in the police court, for he was heard of no more in police circles until he in some way managed to get on Andrews's police force in Hilo. And after that nothing was heard of him until he failed in the attempt to win the Republican nomination for sheriff from his chief and straightway accepted a nomination for the same office from the Home Rulers. And the Home Rulers with the aid of the "antis" elected him.

Detective David Kaapa remembers better than any one else connected with the Honolulu police force, William Keolanui Manaole and his gambling propensities. "I arrested him two and maybe three times," said Detective Kaapa yesterday. "He was convicted at least two times I am sure. Oh yes, I am sure, it is the same fellow, William Keolanui Manaole who has just been elected sheriff in East Hawaii. But some times he gave his name as Keolanui and some times as Manaole, but it was always the same fellow."

"The last time I arrested him was in 1896 or 1897, I don't quite remember which," continued Kaapa. "He was running a che fa bank then just Ewa of the High School on Fort street, near the head of Kukui street. We caught him redhanded then. He had the che fa tickets on him and a bag of money at his side. We confiscated the money I remember. Manaole pleaded guilty then. He was a good fellow, he took his medicine like a man. Whenever we arrested him he paid his fine and never appealed or kicked. He found it to be better that way and we never had any trouble with him. Finally we arrested him so much that it got too hot for him and he left town. Went to Hilo I suppose. The last time he pleaded guilty he was fined fifty or a hundred dollars, I forget which. But he always paid up like a good fellow."

## HAWAIIAN COINS MUST BE REDEEMED WITHOUT DELAY

**Treasurer Kepoikai Notifies Public That They Will Not Be Legal Tender After Jan. 1st. Silver Certificates Also Pau.**

Treasurer Kepoikai has issued a notice to the public stating that after the first of the year Hawaiian silver will cease to be legal tender in the Territory of Hawaii. The notice further goes to state that after the first of January, 1905, it will be unlawful to circulate silver certificates in the islands.

The following is the notice issued by Treasurer Kepoikai:

Territory of Hawaii,  
Treasurer's Office,  
Honolulu, Oahu.

NOTICE.  
The attention of the public is called to the fact that on and after the 1st day of January, 1904, the Silver Coins heretofore struck by the Government of Hawaii will, under an Act of the Congress of the United States, entitled, "An Act relating to Silver Coinage and Silver Certificates," cease to be a legal tender in the Territory of Hawaii.

And notice is further given that from and after the 1st day of January, 1905, it will be unlawful to circulate as money any Silver Certificate heretofore issued by the Government of Hawaii. The Territorial Treasury is ordered to redeem all Silver Coins and Certificates either direct or through the First National Bank of Honolulu.

A. N. KEPOIKAI,  
Treasurer, Territory of Hawaii.

Commissions May Arrive.

Commissions for Gov. Dole as federal judge and of Secretary Carter as governor will probably arrive today on the Alameda. The date of the appointments by President Roosevelt was October 31st and if the commissions were made out immediately they will have had thirteen days to come from Washington, while ordinarily eleven days is deemed sufficient.

Ten Dollars' Damage.

The jury in the slander suit of Moses K. Nakuina vs. Thomas G. Thrum, who went out about 4:30 yesterday evening as elsewhere reported, came into court at 10 o'clock with a verdict for the plaintiff with ten dollars' damages. Neither side was satisfied, Mr. Andrews for the plaintiff and Mr. Lewis for the defendant both noting exceptions.

## COLOMBIA THREATENS AMERICANS

**The United States Consul at Carthage Shuts Himself In His Official House.**

**Vice Consul at Barranquilla Stoned—Fears for Americans and Other Foreigners.**

(ASSOCIATED PRESS CABLEGRAMS.)

COLON, Nov. 13.—The announcement that Panama had declared its independence and that other foreign powers had recognized it, created an anti-American tumult in Carthage. There were street cries of "Death to Panamans and Americans!" United States Consul Ingersoll shut himself up in the consulate. At Barranquilla Vice-Consul Lovelace was stoned but escaped unhurt. There are fears for the safety of Americans and other foreigners.

Carthage and Barranquilla are two ports on the Caribbean Sea coast of Colombia, situated about 300 miles from Colon and are the ports from which Colombian government troops for service in the Panama district would embark. Carthage is a city of about 20,000 people, and the other port has a population of about 40,000.

In 1898 an Italian squadron blockaded Carthage until the government settled an arbitration award made by President Cleveland.

## DOWAGER EMPRESS MAY ESCAPE IN AN AUTO

TIENTSIN, Nov. 13.—Chinese troops are guarding the passes from Manchuria. The court is preparing for flight and nine automobiles have been imported for the use of the Empress Dowager.

CHICAGO, Nov. 13.—The City Railway employees began their strike wrecking cars by which many people were injured. The service has been abandoned.

SANTANDER, Nov. 13.—The strike continues. Troops are patrolling the streets and the rich inhabitants are leaving.

SALONICA, Nov. 13.—In fighting near Tirnova between Bulgarians, Macedonians, and Turks, twenty-two were killed.

TOKYO, Nov. 13.—The American Minister at Seoul is urging Korea to open Yongampho as a treaty port.

FLORENCE, Nov. 13.—The Marquis Carlo di Rudini has been married here to Dora Labouchere.

The Marquis Carlo di Rudini is the eldest son of the Marquis di Rudini, who was recently, for the second time, Prime Minister of Italy. He belongs to one of the most illustrious families of the kingdom, is the heir to vast wealth, and even now has an abundant income. He was one of a group of continental noblemen who spent last summer in New York and he attracted a great deal of attention in Gotham's society circles, so much attention in fact that the New York newspapers announced that he would marry Miss Dessa Gibson, the original of Charles Dana Gibson's famous "Widow," one of the most fascinating creations of that artist. The Marquis is thirty-five years old.

Miss Labouchere is a daughter of Henry Labouchere, the famous editor of London Truth.

SHANGHAI, Nov. 12.—The Governor of Chi-li and General Ma declare that they will take the field in Manchuria with 45,000 men.

General Ma, who proposes to take the field in Manchuria, is a well known Chinese army leader. He was a henchman of the Empress Dowager during the Boxer War and in the latter part of that struggle was given command of the bodyguard of the court. At that time the number of persons composing the Chinese court was very large and the bodyguard was really a small army. The fact that one of the Dowager's favorite generals is to take the field in Manchuria and that there have been recent rumors from Peking that she would leave the capital, owing to her fear of impending trouble, may now be taken to mean that China intends to take a stand against Russian aggression.

## GUY H. GERE WILL SUCCEED SUPT. COOPER

It was stated last night, on trustworthy authority, that Guy H. Gere will be appointed by Governor Geo. R. Carter as the successor to Henry E. Cooper, Superintendent of Public Works.

Mr. Gere has been an assistant in the Department of Public Works for several years. He is at present an inspecting engineer. For the greater part of the past year he has been in charge of construction of public works on the island of Hawaii, with headquarters at Hilo.

Withal Mr. Gere is in good esteem as a citizen and popular amongst a large circle of acquaintances.



## STABBING AT LUAU

Native Row in Manoa Valley Last Night.

According to a report brought to the police station at twelve thirty o'clock this morning a luau held up Manoa valley last night nearly resulted in a murder.

A native man and woman arrived at the station and stated that during a luau a great deal of beer and wine had been consumed. Arguments started between the drinkers and one native rushed at another with a knife. The victim tried to grab the knife and had his hands badly cut in doing so while one stab plowed a furrow in his cheek.

The native who did the stabbing then left the luau and went to his home about a quarter of a mile away.

The two persons started to town to notify the police while another native shadowed the man who had done the stabbing with the intention of keeping track of him until the police should arrive on the scene.

When the police arrived on the scene they found that the man had not been severely injured and that his assailant had gone to the top of the valley and disappeared.

## HOW THE PENIEL WORK BEGAN

The seventeenth anniversary of the founding of the Peniel Mission in Los Angeles, was observed last evening at the local mission, corner of Fort and Hotel streets, above Lyon's book store. A large number of church folk dropped in to the meeting after prayer meetings in various churches were over, and many took part in making addresses.

Those in charge of the mission here told of the manner in which the Peniel work began. Mrs. Ferguson, the founder, was a devout woman who lived in Los Angeles. She desired to take some active part in spreading the gospel, and thought the subject over and over again. Her husband was also greatly interested in the matter. One day they heard that the Masonic hall was vacant and could be rented for \$75 a month. Mr. and Mrs. Ferguson had but \$37. They prayed for help, and their plea was answered, for shortly afterward a friend drove to the house, and on hearing of the proposition, asked how much money was needed and made out a check for \$100. Thus the hall was rented and the Peniel mission work begun. The local mission has been established for about four years, during which time it had a hall on lower Nuuanu street, moving in the past year to its present location, maintaining an out-of-door service every evening prior to the meeting in the hall.

### MILITARY SETTLERS.

If the official suggestion had been made at Los Angeles, as it was made here, that the War Department might be induced to station a regiment of troops in that city, this is what would have happened:

The Chamber of Commerce would have met at once and adopted a strong memorial urging such an assignment.

Mercantile bodies of a similar character would have followed suit and joined with the Chamber of Commerce in sending a deputation to Washington.

The aid of friends in the House and Senate, including, of course, the California delegation, would have at once been solicited.

A regiment stationed in Honolulu, even if it consisted of but 1000 men, would be worth not less than \$175,000 per annum to our merchants and producers and would add, year by year, as men who had learned to love Hawaii were discharged from the service by expiration of time, to our permanent white population.

A chance like that is one to be labored over. It deserves hard work on the part of all who have at heart the building up of the town and the Territory. What are we doing?

Superintendent Cooper has exhibited to Messrs. Carter and Boyd, the executive council committee on land deals, a statement showing that the Alea land was considered in the proposition of an exchange of lands with the Bishop estate for a postoffice site, and that its value was then accepted as \$45,000 the same as that now placed upon it by him in the proposed deal with W. G. Irwin.

Mother—"You can't stay in this hot city. Why don't you tell your husband you must go to a summer resort?" Bride—"I don't dare." Mother—"Why not?" Bride—"If he says 'no,' I will be miserable because I can't go, and if he says 'yes,' I will be miserable because he can live without me."—New York Weekly.

## KAUAI POLO TEAM OUTSCORES OAHU BUT LOSES HOTLY CONTESTED GAME ON FOULS



POLO AT MOANALUA.

—Photos by Rice & Perkins.

Kauai's splendid polo team outscored the Oahu four yesterday afternoon at the Moanalua polo grounds, but owing to two costly fouls and two safety plays on the Garden Islanders' part, the score at the end of the game was reduced and the game went to Oahu, 5 to 4.

In four periods of exciting and, at times, brilliant playing, the Kauai team demonstrated its capacity for continuous hard playing, magnificent riding, and the ability to hold the almost invincible Oahu team down to an equal score, but it lacked true mallet work, which practically lost the game. Several costly mallet errors on the part of the Kauaians at critical stages of the game, passed the advantage over to Oahu. The Oahu team played with remarkable cleverness, calling for the plaudits of the crowd. The celerity of dashes after the ball at times bordered on the spectacular, especially when the entire aggregation of players put spurs to their mounts on a wild charge across the entire field, like huntmen in full cry after a fox. Kauai had its sympathizers fringing the field and the Garden Island players were given a full share of the compliments and applause, while red parangs, red handkerchiefs and ribbons made the scene brilliant with color.

The game from start to finish was exciting, and from the first play it was seen that Kauai had changed its tactics since last Saturday's game, and its team work was shown to the best advantage. The ponies' shoes had also been given attention enabling them to keep their feet on the turf. The brace which the visiting team had taken was shown not so much in the first period as in the last three, Kauai shutting out Oahu from making goals in both the second and third. In the second period Kauai made two goals, but a foul and safety cut this down to one. In the third period two goals were made and a foul and a safety reduced this score by 4. Each team made two goals in the last period.

The beautiful valley of Moanalua in which the polo field is located was again a center of attraction yesterday, the attendance being almost as great as on last Saturday. Carriages occupied the drive encircling the Ewa side of the field and the clear space outside the side line. The smart set was there in force, the feminine enthusiasts quite brave in their summery gowns resplendent with blue and red ribbons, the colors respectively of Oahu and Kauai. An interesting crowd of spectators were the officers and cadets of the German training ship Herzogin Sophie Charlotte, who attended in wagonettes. The young men wore their natty blue uniforms and white caps, and all were quite enthusiastic over the horsemanship and playing of the Americans.

Two or three nasty falls marked the progress of the game. At one time Dillingham and Malina were riding full tilt in chase of the ball, each endeavoring to ride the other off, when a horse stumbled and in a trice both horses had plunged headlong, hurling their riders to the ground, and for an instant pinning both down. Dillingham did not recover quickly. When upon his feet it was noticed he had received a cut over his right temple. A temporary dizziness was caused, but this did not materially weaken his dashing play. Malina's pony was injured and he mounted another, but an inferior animal and did not play as well. In the last part of the game Atkinson, whose knee troubled him, was not at his best and castle, yet young to the game, began to wear out, although the young fellow made some brilliant mallet strokes and did clever riding.

"Jimmie" Spalding of the Kauai team was one of the favorites on the field, and was often cheered for the skillful manner in which he rode off that veteran master-player, Dole. Spalding's strained arm resulting from his fall of last Saturday, precluded him from doing anything extraordinary in the mallet line, so he confined himself generally to preventing Dole from using his mallet to advantage. He was generally successful, and stuck so tight to Dole's side that the two gained the sobriquet of Siamese twins. Charley Rice of the Kauai's played, perhaps, the best all around game for the Garden Islanders, his dashes in

full pursuit of the ball, aided by the interferences of Arthur Rice, Malina and Spalding, giving him many opportunities to make a fine record. Atkinson and Castle played a fine, steady game throughout, the former often clearing from a scrimmage in pursuit of the white sphere.

### HOW THEY PLAYED.

At the opening of the first period Castle took the first stroke, two Kauai men missing their first strokes. Dole and Dillingham both had clean hits, but at this point Spalding commenced his riding-off tactics against Dole and gave the field to C. Rice. Backward and forward the ball hurtled. C. Rice sent the ball down the field and got in three clean strokes before Dillingham rode him off, and started the ball back on a back-hand stroke. Castle was ridden off by Malina, and the latter twice sought the goal but was blocked, and at last Castle got in a clean hit and made a beautiful stroke, bringing the ball directly before the posts, where a scrimmage ensued, resulting in Castle forcing the ball through a goal.

In the next play the Kauai team took the ball, but Dillingham got in a lucky long stroke following it up. Dole missed the pithy sphere, but Dillingham hit and sent it cleanly between the posts.

In the next throw in the ball was shuffled into play by Dillingham, followed by counter strokes by C. Rice. Dole was blocked by Spalding on a brilliant run for the ball, but Atkinson dashed in for a long shot toward the posts. A. Rice worked the ball out and it was sent flying by C. Rice who rode like a centaur to follow up his stroke. Atkinson again made a brilliant center hit and carried it back almost to the goal. Malina missed and the Oahu started the ball across the field. Malina and Dillingham riding side by side were suddenly thrown, both ponies tripping. Dillingham was slightly stunned, and his pony, Pucan, was taken from the field. Castle took the ball with A. Rice in pursuit. The latter was unable to overtake Castle's fleet pony. Castle on a second stroke drove a goal at a difficult angle.

The gong sounded in the next section before the ball had been carried far.

In the second period the goals were hotly contested, Kauai making both, the first in nine minutes and the second in six minutes. In the first section, the ball went up and down field, but the misses on both sides were many. Riding-off on both sides was a feature and Chas. Rice got in the first clean stroke, sending it half across the field, but Dole made a fine backstroke, sending it back to C. Rice. The riding at this juncture became fast and furious, and the horsemanship was spectacular. Chas. Rice malletted the ball into the air Dole striking it back as it descended. Malina made a bold stroke, and Dillingham, who was pursuing, was suddenly overturned as his saddle girth slipped, and forced to let a stroke pass. Atkinson, however, closed in with a finely directed stroke almost to goal. C. Rice took possession of the ball, riding up field at full tilt getting in three clean strokes, assisted by the splendid interference of Malina and Spalding. Malina topped off the excitement by making a goal.

In the next play Dillingham's fine stroke was spooled by Malina, who sent the ball at a rattling pace down the field, missing goal.

Dillingham brought it back, C. Rice intercepted and it was passed to Spalding who carried it between the posts.

In the next throw in Kauai unfortunately fouled Oahu, and two safeties took off one of the goals. Rain also fell and spoilt their chances for another goal.

The third period started well for Oahu as Dillingham made a long, clean hit, but Malina darted in and took the ball. The Kauai players took four hits at the ball and missed every one. C. Rice and Malina worked the ball sideways across the field and Castle back stroked in time to give the ball to Malina, who made a goal. At this stage the game became exciting each team holding its own, although the Oahu developed the best hitting and the Kauai the knack of riding off their opponents.

In the next throw in Kauai secured the ball and in the twinkling of an eye Spalding, by desperate riding and good hits, made a goal.

In the last period Dillingham almost made a goal at the first stroke, but was blocked by Malina. The latter struck the ball the wrong way and both Dole and Castle got in some good

strokes, Dillingham and Spalding almost colliding. Kauai had hard luck by missing hits. Dillingham finally landed a goal, and Malina shortly after made a goal for Kauai by a back hand stroke.

In the following play Spalding made a spectacular ride, keeping Dillingham off, but unfortunately as he turned his horse slipped, throwing him to the ground. Castle made a fine run passing the ball to Dole who made a goal after skillful maneuvering. Spalding made the last goal of the game.

The score was as follows:

| Goals.  | Time. | Oahu. | Kauai. |
|---|-------|-------|--------|
| 1st—Castle (O) .....                            | 7.00  | 1     | ..     |
| 2d—Dillingham (O) .....                         | .43   | 1     | ..     |
| 3rd—Castle (O) .....                            | 6.05  | 1     | ..     |
| SECOND PERIOD.                                  |       |       |        |
| 1st—Malina (K) .....                            | 9.00  | 1     | ..     |
| 2d—C. Rice (K) .....                            | 6.00  | 1     | ..     |
| (Fouls and safeties reduce Kauai's score by 1.) |       |       |        |
| THIRD PERIOD.                                   |       |       |        |
| 1st—Malina (K) .....                            | 10.00 | 1     | ..     |
| 2d—Spalding (K) .....                           | 4.00  | 1     | ..     |
| (Safeties and foul reduce Kauai's score by 2.)  |       |       |        |
| FOURTH PERIOD.                                  |       |       |        |
| 1st—Dillingham (O) .....                        | 5.00  | 1     | ..     |
| 2d—Malina (K) .....                             | 3.00  | ..    | 1      |
| 3d—Dole (O) .....                               | 2.00  | 1     | ..     |
| 4th—Spalding (K) .....                          | 3.00  | ..    | 1      |
| Total—Oahu, 5; Kauai, 4.                        |       |       |        |

Capt. Zander, the officers and cadets of the German training ship Herzogin Sophie Charlotte, were the guests of Mr. Damon yesterday afternoon, being entertained at his country seat at Moanalua and later at the polo tournament.

### Camp Service Pay.

Col. J. W. Jones has ordered the First Regiment, N. G. H., to assemble at the drillshed at 7 o'clock tomorrow evening. The purpose of the order is for the members of the command to receive United States pay for their attendance at the encampment, for drill and discipline with the regulars, at Kapiolani park last summer. Non-commissioned officers, staff and band will all attend this payday muster. Captain Douglas of the Coast Artillery garrison, Camp McKinley, will act as paymaster on the occasion. He will go to Hilo later to pay Co. D for its attendance at the encampment. The time of service was five days, but the rate of pay is not known to the force.

Regarding the pay of militia serving with regulars, the following from the Kansas City Journal shows what the rate of compensation was during the Fort Riley encampment. Probably it will be the same here:

"Each private in the national guards had \$5.20 coming to him for his ten days' service as a United States soldier. The pay received by the officers ranged from \$38.30 for a second lieutenant to \$150.70 for Brigadier General Hughes. The colonels of the regiment received \$95.90."

Colombia will probably get a revolution of its own before long. The "outs" are accusing the "ins" of having sacrificed the millions which the passage of the canal treaty would have brought into the treasury and of having lost Panama in the bargain. Here are reasons enough for the bloodiest kind of an uprising, premonitions of which have already come from Bogota. In such an event the establishment of the new Panama republic will be simplified as the attention of the Colombian government will be fully diverted from it.

Mr. Jackson—"Huh! Dat new-fangled coffee mill yo' bought doan grind at all." Mrs. Jackson—"Yas, it's lak some husbands. Expensive, goes aroun' a lot, en doan do no wuk."—Puck.

### BOTTLED SUNSHINE

Scott's Emulsion brings sunshine to the entire system of the consumptive.

All life is sunshine. The sun pouring its rays into the plant combines earth, water and air into new plant tissue. Sunshine stored up in the plant is its life.

The animal changes plant tissue into animal tissue, changes the stored up sunshine of plant life into animal life.

Fat contains more stored up sunshine than any other form of animal tissue. This is why Scott's Emulsion of pure cod liver oil is literally bottled sunshine, full of rich nourishment and new life for the consumptive.

We'll send you a sample free upon request.  
SCOTT & BOWNE 409 Pearl Street, New York

## ADVENTURES OF AMERICAN PIRATES

Senior Constabulary Inspector Hermann, of Cagayan, Mindanao, P. I., with Supply Officer Johnson, on the 6th inst., pirated the 37-ton steamer Victoria, taking three native soldiers, and forced the captain to put out to sea. The Victoria then halted a coasting steamer, filled her bunkers, and landed a party on the coast at night to search for wood and water. Both the officials concerned were short of Government funds, aggregating \$6,000. The Victoria returned to Mindanao at midnight on the 9th inst., both boat and crew being intact. The captain states that the pirates intended to go to the Cagayan Islands, in the Sulu sea, after loading wood and water. But the crew contrived to change the Victoria's course and ran her aground at Bayanan, on the eastern coast of Negros, then telling the pirates that it would require several days to repair the ship. The pirates thereupon loaded a native boat with supplies, arms and money, and headed for the west coast of Negros, intending to penetrate the mountains. The captain refloated the Victoria and returned to Mindanao. Meanwhile Admiral Stirling sent his son, Flag-Lieutenant Stirling, Jr., in command of a gunboat fleet of eight to search the seas; but a Filipino crew of six men, navigating a boat in the direction of the Cagayan, fell in with and attacked the pirates off the Negros coast at night, immediately killing Johnson and wounding Hermann and a deserter Puentes, who was accompanying them. Hermann fought bravely and killed four of the Filipinos in a hand-to-hand struggle in the small boat. The two remaining Filipinos, covered with blood, were thrown overboard. Hermann stopped the blood from his wound and sailed for the shore, abandoned the boat, and escaped to the mountains.

On the 10th inst., the Constabulary patrol recovered the boat, containing a rifle, some revolvers, a portion of the missing money, and found also Johnson's body, surrounded by those of the dead sailors, and close by Puentes, still alive. It is expected that Hermann will be captured promptly unless he joins some party of ladrones.—Japan Mail.

Coming events at Panama assuredly cast their shadows before at Washington. From the New York Sun of Oct. 24, we extract this telegram:

PHILADELPHIA, Oct. 24.—The auxiliary cruiser Dixie left League Island this afternoon under sealed orders. The Dixie has on board 400 marines under the command of Major John A. Lajevne. The Dixie only reached the breakwater yesterday morning and arrived at League Island shortly before noon.

Orders from the Navy Department at Washington were awaiting Capt. F. H. Delano to have the vessel made ready to sail at once under sealed orders. The chief engineer of the ship declared that it would take at least three days to put the boilers and engines in proper condition to sail. This fact was forwarded to Washington, but word came back to go ahead regardless of conditions.

It is believed that the Dixie will go to Culebra, Cuba, land the marines and hold ready for emergency calls. The Dixie did not land in Cuba but at the psychological moment she turned up at Colon and put the marines where they could do the most good.

Hilo finds that, in spite of counties, the Territory still runs on collecting taxes. When County taxes are called for in addition, the shrieks of the men who worked hard to get the new burden on their shoulders will be heart-rending.

Home Rulers are finding that a Home Rule record in office is not what moneyed men and institutions are willing to go on bonds for.

Mr. Ashford might have added as a postscript to his letter to the Attorney General: "O what a difference in the morning."

Somehow the spotted skirt does not lure the bondsman.

## WALKER AND HIS YACHT

Claim for the Defiance Makes Yokohama Smile.

The Japan Gazette says, under the heading "A Yachting Challenge from Honolulu:"

A representative of the Hawaii Yacht Club, Mr. H. E. Walker, is in Yokohama on a visit, and comes armed with a challenge to the yachtsmen of Japan. The Honolulu yachtsmen have heard that Yokohama has some clever designers and sailors of yachts and therefore wish to engage them in friendly contest. Mr. Walker says they are willing to put up a Y. 1,000 cup to be annually competed for and if Yokohama will take up the idea the yachtsmen here can have the preference in the conditions. The idea is for Yokohama to fix the size of the boat, say, one with something like 25 feet water line, and Honolulu will build one to meet conditions. The Yokohama boat could be taken over on one of the liners next year and if it won, then Honolulu would send a boat the following year to try to win the cup back. The round trip from Yokohama should not consume a month.

Mr. Walker is very enthusiastic over his proposal and is interviewing local yachtsmen on the subject. He is the owner of a pretty yacht, the Defiance, about 16 feet water line, that is the champion in Hawaiian waters. She recently won a 22 mile race, before and on the wind, with about 10 miles to windward, in 2 hours 20 minutes, and the boat has carried off all the races for which she has entered. She is smaller, however, than the craft suggested for the Inter-Island Race, though at present there are no restrictions and the matter is simply being introduced to sporting enterprise.

A WONDERFUL BOAT.  
Editor Japan Gazette: In a morning contemporary of the 30th inst. I notice an article headed "A Wonderful Boat" and as this article refers to the Hawaiian Yacht Defiance, of which I am the owner, I would like to say a few words about her speed. The yacht Defiance was built in Honolulu by the Chas. D. Walker Boat & Machine Works, and is certainly a most perfect type of the latest racing machine; she was built for speed only, and certainly developed it in a marvelous way. Her performance of covering 22 miles actual in 2 hours 20 mins. is not her best, for she has done a 24 mile course with five miles to windward in the wonderful time of 2 hours and 40 minutes beating a fleet of over 12 boats, and coming in 19 minutes ahead of the crack Australian yacht Myrtle. Defiance has not shown all her speed yet, and I am positive that she can cover a measured mile with favorable conditions at the rate of 12 to 13 miles an hour; she is about 17 feet water line and 26 feet over all, and carries about 250 square feet of canvas, and is at her best in about a 15 to 20 mile breeze. I hope this will be sufficient to satisfy—without one going into the calculating business.

I remain,  
Yours very obediently,  
H. E. WALKER,  
Yokohama, Oct. 30th, 1903.

[We do not question the sincerity of our correspondent even in this remarkable statement, but would like to ask him whether he would be prepared to guarantee the accuracy of the measurements of the courses raced over?—Ed. Gazette.]

A DOUBTING THOMAS.  
Editor Japan Mail: In a recent issue of one of your contemporaries, I noticed an account of a wonderful time made by a racing yacht called the Defiance, measuring 16 feet on load water line. This smart boat is said to have covered a course of 22 miles in a race, of which 10 miles were to windward, in the remarkable time of 2 hours, 20 minutes. Supposing that the distance given is the actual distance sailed, and not the distance of the race as per chart, this works out at an average speed of 9.3-7 miles per hour.

According to Dixon Kemp, the well known authority, a sailing vessel's maximum speed is approximately L. W. L. in feet x 1.25 equals knots per hour. This is frequently exceeded by modern racing yachts, but probably only by reason of the increase of load water line when the yacht is heeled over, at high speeds. On a water line of 16 feet this formula gives a maximum speed of 5 knots per hour. Supposing the Defiance has overhauled its average speed to 25 feet of effective draft, that would give a maximum speed of 6.25 knots. She must therefore be quite a remarkable craft to make an average speed of 9.3-7 miles per hour over a course of 22 miles. If the distance of the race was 22 miles on the chart, and 10 miles was to windward, the performance was more remarkable still, the speed working out at over 11 miles per hour, and approximating the maximum speed of America Cup defenders.

Further particulars of this wonderful craft would greatly interest local yachtsmen. Yours truly,  
MUNCHAUSEN, JUNIOR.  
Yokohama, Oct. 29th, 1903.

PROTECT YOURSELF and family against attacks of pneumonia by securing at once a bottle of Chamberlain's Cough Remedy. If this remedy is taken on the first appearance of a cold all danger will be avoided. It always cures and cures quickly. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.



## BUCKEYES PROTEST

### Will Investigate the McKinley Park Scheme.

The Buckeye Club, through a special committee, will shortly begin an investigation of the McKinley Park scheme, and may bring pressure to bear upon the McKinley fund committee to give up the park idea and take up the monument plan originally proposed as a Honolulu memorial to the late President.

At the regular meeting of the Buckeye Club held last evening at the residence of Dr. and Mrs. J. M. Whitney, Punahou street, the McKinley memorial was the principal topic of discussion. As the Buckeye Club raised a large fund toward the memorial and turned the cash over to the general committee in charge, the members thought they were entitled to make known the desires of the club as to what form the memorial should now take, as the statement was made at the meeting that nothing would be done to improve the park site for at least a year.

Rev. W. D. Westervelt, a member of the general committee, and also a Buckeye, reported to the club that at a recent meeting of the general committee, it was shown that fourteen acres of land had been bought on King street opposite the present baseball grounds. In the left hand corner there is a pond fed by a spring, which could be enlarged as a boating pond. This property cost \$7,500. There was also \$7,500 in the bank for the development of the park. This was considered enough to cover the premises with earth for lawns. Mr. Westervelt said that at the general meeting it was decided that there was insufficient money to carry out the original plans for the park. After a full and free discussion, the decision was reached that it would be better to wait until the next legislature convenes, prepare the park and present it to the Territory with the understanding that it be maintained properly by the government as a pleasure resort for the benefit of the people.

Dr. Rogers said he had favored a McKinley monument, for the reason that the park might not always be properly cared for, and would therefore not be a credit to the memory of President McKinley. He felt that the Buckeye Club, hailing from the State of McKinley's birth, was deeply interested in the matter.

W. A. Bowen said the facts in Mr. Westervelt's report were disappointing in that a policy of delay had been deliberately decided upon. As for the park idea he thought that it was to be a breathing place near at hand where young children could enjoy it. He was not certain that the Legislature would accept the park and maintain it. It might be neglected. Mr. Bowen favored a McKinley monument as a proper memorial.

Mr. Westervelt said that he individually also favored a monument. It was his opinion that the Buckeye Club should take the matter up with the general committee and decide upon the improvement of the park and also to procure a monument to be erected upon the grounds.

Mr. Bowen remarked jokingly that at present he had an indefinite fear of trading property with the government. The Club he said was originally in favor of a monument, and subscriptions in the club had been raised on that basis. He felt that a monument was the only proper memorial to a President like McKinley, and it should cost all the money the committee has in the bank and all that could be realized from the sale of the park site.

J. K. Brown, the temporary chairman, had always favored a monument, and hoped yet to see the memorial take form, and upon motion a committee consisting of Dr. Rogers, W. A. Bowen and Rev. E. S. Muckley was appointed to make a complete investigation of the memorial matter and report at the next meeting, which will be held at the residence of Mr. and Mrs. R. C. Brown.

To the suggestion that the park idea could be carried out and a monument erected for \$2500 Mr. Brown replied: "A cheap monument in an inaccessible park would be the worst form imaginable."

Dr. Whitney said his plan had always been to purchase the corner at Hotel and Fort streets on which the tobacco store is located, and upon the corner proper erect a monument to McKinley, utilizing the remainder as a mart for the lei sellers.

Stanley Livingstone favored the club with a vocal solo, responding also to an encore. Following this was a moving picture exhibition by Rev. Mr. Rice. Rev. W. D. Westervelt followed with a large number of stereoscopic views showing some interesting scenes in China, the photographs being taken by Mr. Westervelt during his recent visit. Both sets of pictures were greatly enjoyed.

Light refreshments were served at the close of the evening.

The dominant janitor: Mrs. McCall—"And what did you say your eldest boy's full name was?" Mrs. De Coursey—"Michael Brannigan de Coursey." Mrs. McCall—"Well—that's rather odd." Mrs. De Coursey—"Yes, but you see, when he was born we were living in a flat, and we didn't want to move out. Mr. Michael Brannigan was the janitor."—Philadelphia Press.

A SORE THROAT may be quickly cured by applying a flannel bandage dampened with Chamberlain's Pain Balm. A lame back, a pain in the side or chest, should be treated in a similar manner. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

## CARTER WOULD AMEND KOHALA WATER LICENSE

### He Declares His Opposition to Five Per Cent on Net Revenue, as He Believes It Should Be on Gross Revenue.

Secretary George R. Carter only yesterday found time to look into the Kohala water franchise, by way of preliminary scrutiny of its terms with which he will have to deal when he assumes the Governorship. He made a discovery in the advertisement of sale of the franchise at auction, issued by Land Commissioner E. S. Boyd, which disquieted him. This was in the prescribed condition that the purchaser of the franchise shall pay five per cent. of the net revenue from the privilege to the Territory.

After returning from his recent Territorial loan mission to Washington and New York, Mr. Carter was informed on the street that the five per cent. toll was to be on the gross revenue of the corporation gaining the privilege. His informants deemed this fair and good, as he himself did, but the discovery—which is what he confessed yesterday evening it was—that the levy was advertised to be on the net revenue made him conclude that the offered terms are bad and require to be altered.

"Yes, I will oppose it," Mr. Carter replied to a categorical question regarding the attitude he would assume toward the franchise in view of his discovery.

"Five per cent. of the net revenue to the Territory," he went on to say, "means that the Territory will get nothing at all."

"I know some precautions are taken to guard the interests of the Territory, such as a provision against having the revenue expended in heavy salaries. Yet there are other ways by which the company can avoid having a net revenue to divide with the Territory. It can make charges for improvements, for depreciation, for interest on indebtedness."

"It is always only too easy for a corporation so to arrange its statements and its books that there shall be no net revenue. The condition is one that leaves open question to dispute. I am not aware of the case of any municipality that has received an income from the net revenue of a corporation holding a franchise with that condition."

"How I could have wished," Mr. Carter remarked, "when connected with the Hawaiian Electric Co., that its two and a half per cent. to the Treasury might be on net instead of gross revenue."

The argument of public benefit from the development of the Kohala water, which was used in the conferences held when he was away, was quoted to Mr. Carter. To this he replied in substance:

"We must not hamper capital that is seeking such enterprise. There is no doubt of the great benefit the water would be to the agricultural interests of the country. New lands would be cultivated and incidentally tax-paying property would be increased."

"Yet, besides looking after the direct revenue due to the Territory from such a great privilege, we must protect the small consumers of the water who might otherwise be at the mercy of the large plantation companies."

This last reference was to a statement made at one of the conferences, now mentioned to Mr. Carter, that the tendency of all large irrigation companies was to have their capital stock ultimately held by the chief consumers.

## PHASES OF MISSION WORK IN THE HAWAIIAN ISLANDS

The Washington Post says:

A large congregation attended St. Mark's Church, at Third and A streets southeast, yesterday morning to listen to the Right Rev. H. B. Restarick, D. D., bishop of Honolulu, Hawaiian Islands. Bishop Restarick is in Washington in order to be in attendance upon the Congress of Episcopal Bishops, which will meet in this city for several days.

The Bishop began his sermon by telling of the existing conditions in the Hawaiian Islands and the many opportunities there for a wide missionary work.

"We cannot say," said he, "that the gospel is good for some people and is not good for others. There is no place in the world where earnest missionary work is more needed than in the Hawaiian Islands, where the three classes of human beings, the brown-skinned Hawaiians, the yellow-skinned Chinese, and the Japanese are waiting to be taught the elements of Christianity."

The Bishop detailed at length the readiness and willingness of the Chinese that form so large a part of the population of the islands to learn. He related many incidents in cases of conversion among the Orientals whereby they had departed to their own country and there wrought the greatest good by setting the examples of Christianity among their own people and teaching its precepts. Dr. Restarick said that among the Hawaiians there were many devout Christians, men and women, and a large number, much the same as in this country of white citizens, who were not. "We must not expect, however," he said, "to see Hawaii in eighty years after the introduction of Christianity there, equal to us in that respect. We must not expect too much of the people who are being taught. There is mission work for the churches in all of the islands among the natives, as well as among the Orientals."

He said that the Chinese came to Hawaii ready and anxious to learn and with the restriction that had ever been theirs in their own country removed. "There is but one way to reform China," said he, "and that is to reform the human hearts there. What we send back to China from Hawaii are Christianized Chinamen. There is every proof that the missionary work in Hawaii has touched deeply the Oriental hearts and thoughts."

Bishop Restarick told of an incident during his trip from Honolulu to San Francisco in conversation with two influential New York men. They were discussing the question of China and its future, when one of the Americans said that he represented a large insurance company, and that his work had taken him to the Orient. He stated further that he had learned that in matters of business and all else the word of a Chinese is as good as his bond. "China," said the minister, "is going some day to be a yellow blessing, or a yellow peril. When the minds of China are pure it will be a yellow blessing. It rests then with you and me whether this great race in the Orient is Christianized."

He said that money was needed for the establishment of schools and churches. He stated that the people of Hawaii gave freely of their wealth for the extension of the missionary work in the islands. He urged that the American people be equally and more generous. He said that his work in Hawaii had impressed strongly upon him the fact that Jesus Christ appealed to all human hearts everywhere, whether they be in yellow, brown, or white skins.

## WITNESSES CALLED FOR GRAND JURY ELECTION INVESTIGATION

The Grand Jury investigation of the alleged election irregularities will begin this afternoon. Judge Gear yesterday issued subpoenas for some fifty witnesses who it is said will testify regarding the occurrences of election day.

Not only the election officials, but prominent members of both Home Rule and Republican parties are summoned to appear before the grand jury this afternoon and tell what they know and have seen. Some of the candidates are also summoned, and the Home Rulers are prominent in the list of witnesses, while many election officials are also ordered to appear before the grand jury.

The following are the names of the witnesses summoned: Moreno Huen, Shank Mossman, Edw. K. Lillikalani, Asa Kaula, Sam Leslie, C. K. Quinn, E. P. Sullivan, N. Fernandez, Richard Mayfield, Clarence L. Crabbe, Abraham Fernandez, Joe Kennedy, S. F. Chillingworth, Chas. F. Chillingworth, Wm. T. Rawlins, Jonah Kumalae, Thomas H. Rawlins, Clarence W. Ashford, Daniel Logan, John Wise, John Effinger, Wm. Savidge, G. C. Chalmers, Harry Macfarlane, F. C. Palekapu, John Kekuku, Stephen Umanura, Fred. Angus, A. Irvine, C. M. White, A. F. Cooke, Will E. Fisher, W. C. Wilder, Fred. Terrill, W. H. K. Amalekau, J. Mahoney, Geo. E. Smithies, H. C. Birbe Jr., Albert Waterhouse, C. L. Beal, John K. Kaaal J. P. Kahahawai, John M. Mahuka, and Benjamin Kanelehalau.

From the list of witnesses it would appear as if the investigation will center upon the "Fighting Seventh," Birbe and the other election officials in that precinct have been summoned as well as the police officers who were present and the candidates who watched the counting on election night.

## TELEPHONE CONTRACT AWARDED

There was only one bid to open at the Board of Health office yesterday for construction of the telephone line on Molokai, connecting the Leper Settlement with outlying villages and landings, for which the Legislature appropriated \$5000. The bid was that of John Cassidy, who surveyed the route and reported to the Board that he could erect a serviceable line for the appropriation. He tendered to do the work accordingly, the round amount of the item being the price.

Dr. Cooper, president of the Board of Health, in the absence of a quorum for the stated weekly meeting, directed Mr. Cassidy to go ahead with the contract. Mark P. Robinson, the only other member present, approved of the president's decision. The contract will be submitted to the Board for its ratification.

formal approval at the first regular meeting.

The reason for expediting the work in the way mentioned is a double one. The appropriation is in the six months' bill, therefore supposed to be unavailable after the end of this year, and the bad weather season is advancing.

## County Buildings.

Elected officers of West Hawaii county formed a delegation to wait on Secretary Carter as the coming Governor, for the purpose of consulting him about their county building for which the Legislature made an appropriation. Mr. Carter gave them his ideas on the separation of Territorial and county interests, which are familiar to newspaper readers in other connections, stating his conviction that the Territory should be reimbursed for any expenditure on buildings and other assets given up or turned over to the counties. He suggested the paying of rent by counties for buildings their officers occupy if erected by the Territory.

## SCRAMBLE TO GET WRECK OF CONNETABLE DE RICHEMONT

There is a general scramble to get at the wreck of the Connetable De Richeмонт at French Frigate Shoals. No less than three expeditions have been organized to save the bark and two of them are said to be on the way. The schooner Ada carried one party which sailed yesterday afternoon for the French Frigate Shoals, while the schooner Lady is said to have stolen a march on the Ada and sailed at seven o'clock yesterday morning for the same place. At least she has been reported at the Custom House as having started for the French Frigate Shoals and if the report is true she will get hold of the wreck long before the Ada arrives. It was denied last night at the home of Mr. H. R. Macfarlane, the owner of the Lady, that she had sailed for the French Frigate Shoals and it was stated that she had gone to Koolan ports with freight as usual. Nothing further could be learned of the Lady's departure and it may be possible that the names of the two vessels were mixed by the customs inspectors.

The schooner Ada sailed at 1:45 o'clock for Pearl Harbor thence to the French Frigate Shoals to wreck the Connetable De Richeмонт. Accompanying the little schooner is Ellison, an expert diver. According to the story told by those at the head of the expedition it is the intention to save the Connetable. The hatches are to be battened down and the vessel then pumped out. A donkey engine with a force pump has been taken along. If the plan to raise her is successful a crew will be put aboard the Connetable and she will be brought into port. Although the sails of the wrecked Connetable have been destroyed it is reported that she has two new sets aboard.

The schooner Ada has aboard Captain Weisbach, Captain Nelson, Diver Ellison and six sailors. On the waterfront the expedition is called a foolhardy one. It is pointed out that even if the Ada should succeed in raising the Connetable it would be impossible to get her out from the shoals. She barely escaped striking half a dozen times on her way into the shoals and old seamen say that she could never be towed out safely, let alone sailing her out.

Herbert Young, the diver, is also talking of making a trip to the wreck in "The Brothers." An expedition is now being fitted out and Young may make the trip to survey the wreck. He does not believe the Ada will be successful.

## WHOM THE GODS WOULD DESTROY.

SAN DOMINGO, Nov. 12.—The revolutionists have notified the Government that they will not recognize its engagements with the United States.

Santo Domingo has been in trouble with the United States for over a year regarding several American claims. One of the principal claims, that of the San Domingo Improvement Company, involves the transfer to the Dominican government of a railroad property valued at several million dollars, and this question was arranged for arbitration some time ago. The Dominicans have settled several smaller claims.

As San Domingo threatens, under rebel rule, to repudiate the American claims it may be possible that the rebels have made a dicker with some other foreign power. Germany recently sent a warship there to look after her interests. An enormous amount of Dominican Government bonds are held in Belgium under an agreement whereby the holders, in the event of a default in payment of interest, are authorized to take possession of the Dominican custom houses and collect the amount of the debt. Should the repudiation of debts lead to the downfall of the government there may be an attempt on the part of a European power to acquire possession of Samana Bay as a site for a naval coaling station. Then the United States will be confronted with an extremely serious emergency which might have been avoided had the United States Senate ratified the report of a commission in 1871 recommending the annexation of Santo Domingo to the United States.

## FIRE LAKES ABOUNDING

### Lively Last Week Was Mokuaweoweo.

G. P. Thielen, land court stenographer, and H. A. Baldwin, manager of Hauka plantation, Maui, last week ascended to the crater of Mokuaweoweo, the expedition having been arranged by Alfred W. Carter. They landed at Kailua on Wednesday morning and began the main ascent from T. C. White's, Kailua, at 1:30 p. m. the same day.

Their camping and their experience of cold that night were like unto the experiences of others who had done the toilsome journey. Yet they were blessed with delightfully clear moonlight and immunity from snow, rain or hail. The summit was reached at 1:30 p. m. on Thursday, after actual traveling time of twelve hours from Kailua. Mr. Thielen described the eruptive conditions to an Advertiser reporter yesterday as follows:

## CRATER IN DAYLIGHT.

"On arriving at the crater we found that the central cone was very active, ejecting lava every few seconds with an explosion very much like the blowing off of steam by a locomotive. The jets rose to a height of about 200 feet. There were other signs of fire in the immediate neighborhood of the cone."

"The cone stood on the rim of a circular space in which activity was shown all over, fire being also visible in the daytime. Eruptions were intermittent, occurring every few seconds, and throwing up ejecta to a height of from a few feet to possibly a hundred feet."

"Other evidences of fire appeared all over the floor of the crater, steam from apertures and fire occasionally visible during the day. Over in the corner, on the Kau side, there were also evidences of considerable activity. Great quantities of steam were being omitted."

## MAGNIFICENT NIGHT SCENE.

"At night the whole scene was materially changed. It then beggared description."

"A circle of activity in proximity to the cone resolved itself into a lake of pure fire, acting in some manner like a storm-tossed sea. Waves of molten lava dashed against the rocky margin."

"During the night eruptions were more frequent and more violent, while the volume of matter ejected was considerably greater, than in the daytime. There was a row of small cones running across the lake from the Kona to the Hilo side. Between twelve and one o'clock these vents suddenly became very active, ejecting a large stream of lava which continued for several minutes."

"At the same time the mass of lava in the larger cone rose to the surface and slopped over in a lake on the Kau side. About one o'clock the lake apparently got fuller than it could hold, for the lava ran out in three small streams on the Kona side, uniting in one stream some distance from the rim. These streams broke over afresh several times, with occasionally a tremendous eruption. The explosions sent matter high in air, which came down like showers of stars."

## AUXILIARY LAKES.

"To the left of the main lake, during the night, there were two small lakes almost in a straight line about midway between the wall of the crater and the main lake. A third lake was situated at the foot of the cliff on which we were standing. Neither of these smaller lakes seemed to have any walls. The one at the foot of the cliff, beneath our feet, had a little cone which broke out and boiled over like water from an artesian well."

"Almost the entire floor of the crater is gridironed with orifices through which fire gleams at night. The entire lower plateau, as it is called, has been filled up by the present eruption so as to be flush with the formerly higher level."

## UNFOUNDED REPORT.

"I can state definitely that there has been no flow out of the main crater. Dr. Douglas, who accompanied Mr. Fleming on the trip from which it was reported there had been a flow on Kau side, states that the story was unfounded and that Mr. Fleming must have been misquoted."

"I secured fifteen photographs, seven of which were taken at night. We found it intensely cold at the summit and the water in our can was frozen with a crust of ice half an inch thick. There was considerable snow in the crevices on the summit."

## RECOMMENDS THE ROUTE.

Mr. Thielen and party—whose guides were Charlie Carr and David Nahale—left the summit at 9:30 Friday morning. The crater then showed about the same degree of activity as at their arrival. They reached Kailua in ten hours, having made the round trip in twenty-two traveling hours. Mr. Thielen strongly recommends the route they took by way of White's.

"The spectacle to be seen at its best," he said in conclusion, "must be viewed at night when it is more like a grand pyrotechnical display than anything else I can liken it to. The sunset which we witnessed on Thursday evening was a close rival to any volcano on earth."

INFLUENZA is always more or less prevalent this season of the year. This disease is very similar to a severe cold and if allowed to take its course is liable to cause serious results. The best treatment for influenza is to avoid exposure and take Chamberlain's Cough Remedy. This medicine gives immediate relief and if used as directed, will ward off all dangerous consequences. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.







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GRAND JURY BEGINS  
INQUEST ON ELECTIONForeman Parker Asks if the Attorney-General  
Can Be Excluded and Judge Gear Answers  
That He Can if Desired.

The Grand Jury, which is intrusted with the duty of investigating alleged election frauds, stands as follows:

William Legros,  
Robert K. Pahau,  
O. P. Emerson,  
F. J. Church,  
Thomas R. Mossman,  
Wm. H. Crawford,  
Henry A. Giles,  
A. R. Blidt,  
Wm. L. Peterson,  
Samuel Parker,  
Charles F. Herrick,  
W. L. Eaton,  
Charles Wilcox,  
Richard L. Gilliland,  
George J. Campbell,  
Ulysses H. Jones,  
Charles W. Booth,  
John K. Inch.

Judge Gear at 1:30 yesterday afternoon charged the grand jury regarding the request made by C. W. Ashford for an investigation of the Oahu county election. At the outset he stated that the laws of the Territory provided for the conduct of elections and included rules and regulations having the force of law. He was not passing upon the subject as a matter of law, but would inform the grand jury that the Organic Act continued in force the laws of the Republic of Hawaii providing for the purity of elections. They were aware that an election was held on the third of this month for county officers. Certain information had been presented to the court, which would not be read then but would be handed to their foreman. Neither would the court give them any instructions about the registration of voters.

## SINK PARTY FEELING.

They were to investigate cases relating to the county election regardless of all party feeling. A great many witnesses had been subpoenaed for their examination. The court hoped the grand jury would take up the matter in the spirit in which it should be taken up, remembering their oaths. Their investigation must not be for the purpose of aiding any party or candidate. They must lose sight entirely of all political affiliations they individually might have. The statutes were those of the Territory of Hawaii and were for the benefit and protection of all alike.

## ACT WITHOUT FAVOR.

It was their duty, if they found that any offenses against those laws had been committed, to bring an indictment against every offender no matter who he might be. There were two parties contesting the election—the Republican and the Home Rule parties. Let no guilty man escape. Lose sight wholly of the political situation.

The grand jury had the disposal of the services of officers of the court. They might subpoena any witnesses they pleased, who they thought would be able to give light on the investigation. It might be their duty to subpoena witnesses about whom they knew nothing if they supposed such could furnish useful evidence.

## KEEP PETITION SECRET.

They would be handed a communication, which accompanied the request for an investigation, for their guidance. Copies of the laws, rules and regulations read to them would also be provided if they desired. The communication was to be kept secret because it contained names of persons against whom no proof of wrong-doing might be presented.

Samuel Parker, foreman of the grand jury, asked if it would be necessary to have the Attorney General or his deputy present in the grand jury room while they were examining the witnesses.

## MIGHT EXCLUDE ATTORNEY GENERAL.

Judge Gear answered not unless they wanted the Attorney General's presence. The Attorney General had subpoenaed a number of witnesses and it was proper that he should have the

opportunity of examining them. The statement made about the Attorney General and his department, with the petition for investigation, had been withdrawn and, so far as the court understood, the Attorney General was not connected with the charges. It might be proper, in some cases, not to have the Attorney General there. He supposed the Attorney General did not object to the grand jury's examining into the matter without the Attorney General's presence.

## SHOULD RECOGNIZE HONESTY.

Deputy Attorney General Peters stated that the request of the foreman for instructions on this point was a proper one and came within the court's province for consideration. So far as the law was concerned, it was perfectly proper for the grand jury to request his presence or desire his absence, but the speaker thought that the request, as well as the instructions of the court in answering it, should at least take into consideration the honesty of the Attorney General's department and its desire to investigate the matter fearlessly and honestly.

## A JUROR'S MISGIVINGS.

A juror here asked the court to have the number of the panel increased to twenty-two or twenty-three members. There were Home Rulers, Republicans and Democrats on the present small panel, this juror said, and three men might stand out and prevent an indictment.

Judge Gear answered that if any one man or any three men on that grand jury were capable of disregarding their oath, let them say so and they would be excused from further service on the grand jury. He called on them, if any of them would consider his own party in the investigation, to say so. None of the grand jurors responded.

## COULD NOT CONVICT.

Continuing, the court said that the grand jury could not convict anybody. A man had to be tried, to be convicted or acquitted, by a jury after he was brought into court under an indictment. The grand jury were not to pass on the guilt or innocence of a party, but to decide whether there was probable cause to believe that he committed the offense on the ex parte evidence before them. If twelve or fourteen men could not agree, it was better to let the man go.

## CROWD IN ATTENDANCE.

With three jury courts in session and about a hundred witnesses subpoenaed for the grand jury, there was a great crowd jammed about the entrance as well as inside Judge Gear's court room when the charge was being delivered. Many natives without compulsion to attendance at court swelled the throng.

## FREEDOM TO WITNESSES.

Shortly after the grand jury retired to the Supreme Court room, Deputy Attorney General Peters came out and released a number of witnesses until called by messenger or telephone. This regard for the time of busy men was much appreciated. Several witnesses were called in during the afternoon.

## THE UNTERIFIED.

Republicans among the witnesses were not the most serious looking of the multitude. One of them said he had no objection to testifying to all he knew about unlawful practices, as his testimony in that regard was liable to send at least one Home Rule politician on the reef.

## SHOULD BE DISQUALIFIED.

There was considerable adverse comment on the outside regarding the absence of an order to disqualify the defeated Home Rule candidates on the grand jury from sitting in the election investigation. There are two of them—Charles W. Booth and Chas. Wilcox—on the panel.

JURIES ARE  
KEPT BUSYTwo Out at Once  
Considering  
Cases.

Two juries went out to consider their respective verdicts almost at the same instant yesterday afternoon, between four and five o'clock. One was from Judge De Bolt's court with the land trespass case of Frederick Nolte against J. A. Magoon. The other was from Judge Robinson's court with the suit for slander brought by M. K. Nakulua against Thomas G. Thrum. Before the former case was argued and given to the jury, Judge De Bolt and the jury took a ride out to Manoa valley to view the premises.

## CRIMINAL CALENDAR.

Sarikawa was tried before Judge Gear yesterday for selling a lottery ticket. W. S. Fleming appeared for the Territory, and J. W. Cathcart for the defendant. The following jury was empaneled: J. L. Aholo, E. Norrie, S. Koloewa, A. A. Montano, E. K. Rathburn, Geo. Woolsey, J. P. Makainai, J. B. Pakele, J. S. Low, L. R. A. Hart, J. F. C. Abel and W. M. Bush. The jury was only out a few minutes when it returned with a verdict of not guilty. Another case against Sarikawa was not pro'd.

No other case was brought on for trial yesterday afternoon.

## PROBATE MATTERS.

Robert F. Lange was appointed by Judge Gear as temporary administrator of the estate of In Chock, deceased, under bond of \$1000, and authorized as such to sell the property either at public auction or private sale.

David Dayton, administrator of the estate of Charles Halvorsen, deceased, has filed an inventory showing a valuation of \$1370.50.

Annie Jaeger petitions that she be appointed guardian of her minor son, Samuel Allen Jaeger, who has property in his own right.

## LAME LANGUAGE.

John D. Willard and Charles F. Peterson, attorneys for plaintiff, have filed in the Supreme Court a brief in the case of George Mordon vs. S. K. Kaeo. One of the points of law on which defendant appealed from the District Court of Lihue, Kauai, was thus stated: "That the trial magistrate disallowing the evidence of one T. Onokea." Besides replying that "this is not English and is ambiguous," the attorneys for the plaintiff deny that there is any merit in the point, as there is nothing in the record to show what evidence of Onokea's was disallowed, and they could not assume that any evidence was disallowed. Defendant in this case is the candidate who defeated the plaintiff's attorney, Willard, for county attorney in the Kauai election.

## VARIOUS ITEMS.

Lohe Kekoa, one of the defendants to a libel of revivor brought by Kanihau (w) against Kalai and others, by his attorney, C. F. Peterson, enters a demurrer in which it is claimed among other things that several persons have not been made parties who should be.

In the case of W. O. Smith et al., trustees of Gear, Lansing & Co., vs. Emmett May, the plaintiffs by their attorneys, Thayer & Hemenway, have entered a demurrer to the defendant's plea of setoff.

Plaintiff in the suit of Allen & Robinson, Ltd., vs. Annie Schrei Reist has filed exceptions to the verdict for defendant rendered by direction of Judge De Bolt.

Judgment has been entered for plaintiff with costs taxed at \$107.50 in the action to quiet title of Margaret Cullen against T. F. Lansing. It is for two pieces of land in Koolauoku amounting to 0.47 acre.

Judge Gear appointed E. P. Dole as guardian of the Campbell minors, with special regard to their San Jose, Cal., interests, under \$5000 bond.

## Her Baby for Sale.

Giving evidence of character for a man charged at North London, a witness declared that he was eccentric. Mr. Fordham—"Can you give an instance of his eccentricity?" The Witness—"Well, yes, I can; during the fourteen years I have known him he has never been a minute late in getting to his work." Mr. Fordham—"And you call that being eccentric?" The Witness—"Yes, certainly, for a workman."—Ex.

Dashaway—"A few short hours ago I was sitting with a girl, telling her she was the only one in all the world I ever loved, and so forth, and so forth." Cleverton—"And she believed you, didn't she?" "How could she help it? Why, I believed it myself."—Life.

ALL ABOUT  
A HORSEBorrowed by Dunn  
But Not Lent  
by Berrey.

Thomas Dunn, chief yeoman at the United States naval station, was yesterday committed to the circuit court for malicious injury by Judge Lindsay. Q. H. Berrey was the complainant and the whole trouble was over a horse owned by Berrey which he claimed Dunn borrowed without leave, and which ran away. The defendant was afterwards released on his own recognizance.

Berrey claimed that while he and his wife were visiting the volcano, Dunn borrowed Mrs. Berrey's horse, and that while being driven by Dunn, the animal ran away, injuring itself and damaging the phaeton. Berrey testified that Dunn had admitted to him taking the horse without permission, saying that he simply wanted it to go to town and hadn't time to wait for a car.

On cross examination the defendant attempted to show that Berrey was simply using the criminal courts to collect a civil debt for damages. Berrey admitted under cross examination that he was willing to drop the prosecution if Dunn had paid him for the damages. He had agreed to do this because Dunn said his wife was nervous and didn't want any trouble. He admitted also that he had agreed to settle for \$150 which was what the horse had cost him and that everything had been satisfactory until Dunn had refused to pay the amount.

The defense was that the horse and buggy were not injured maliciously and that the defendant had agreed to pay the damages. Dunn denied that he had taken the horse without leave but said that he had been asked to take care of the horse by Berrey's sister and was attempting to exercise the animal when it ran away. He testified also that he had paid for the repairs to the carriage and that he had also agreed to pay for the care of the horse; also that the animal was not seriously injured, simply sustaining a few scratches. Dunn claimed that the horse was hitched up for him by the Japanese servant who had been left by Berrey in charge of the property.

A number of witnesses also testified to the good character of Dunn. These were Acting Paymaster Mac Winkle, W. H. Hoogs and I. S. Dillingham.

Judge Lindsay held that the evidence was sufficient for a jury to pass upon and accordingly committed the defendant to the grand jury on a charge of malicious injury. Dunn was released upon his own recognizance.

PACIFIC MAIL'S  
NEW FOLDER

A handsome new folder has just been issued by the Pacific Mail Steamship Co., telling of the delights of a trip around the world. The booklet contains a complete description of the new liners Korea and Siberia and also deals liberally with the attractions of Hawaii.

The folder is handsomely illustrated, the cover being in colors—a pretty girl standing at the steamer's rail and waving good-bye to friends on shore. The illustrations of Hawaii are "Nuuanu Avenue, Honolulu," "View of Diamond Head" and "The Pall." Excursions described are to Punchbowl, Tantalus, Diamond Head Crater, Waikiki Beach and to the volcano.

## Hot Beecher Letter.

Among some letters given by Major J. B. Pond to Dr. Lyman Abbott, editor of the Outlook, which were written by Henry Ward Beecher is the following one, of which Dr. Abbott says: "The letter which follows I judge he never sent, since he was not accustomed to keep copies of his letters, and this copy, in his own handwriting, is in the correspondence."

"Dear Sir:—I have received and read your long and extraordinary letter. Its false statements, its fierce arrogance, its base insinuations can be charitably construed only on one of two theories: (1) That you are insane; or (2) That you are a lineal descendant of that Ass on which Christ rode into Jerusalem, and who ever afterward regarded himself as an authority in all religious matters; from him have come down an innumerable posterity, eminent among which I think you stand."

A woman came down to Park Row, New York, the other morning with a baby in her arms, and peering through the advertising window of one of the big dailies, dictated the following and asked to have it inserted:

"For sale:—My little Leopold Wagner. He is only one year and two months old, with blue eyes like the sky and light hair, and chubby and good like an angel. I cannot support him any more. I am a hard working woman and I love my Leopold, but will sell him for \$500 if I get it from a nice Jewish family. Mrs. Nellie Wagner, 84 Cannon street."

DOWER LAW  
EXPOUNDEDSupreme Court Decision  
Reversing Equity  
Decree.

Judge Robinson's decree in the case of Sophie H. Kahaleaahu vs. Manuel S. Pereira and S. Kobayashi is reversed by a unanimous opinion of the Supreme Court, written by Chief Justice Frear. The case was submitted June 17, and decided November 12, 1903.

In conversing about the decision yesterday evening Judge Robinson said it sustained him in asserting the right of the plaintiff to dower, and only required amendment of his decree with regard to the time from which the damages should be computed. His decree held it was from the husband's death, whereas the Supreme Court makes it from date of demand.

## SYLLABUS OF OPINION.

A suit for dower may be barred by the general statute of limitations applicable to actions for the recovery of land, but the statute does not necessarily begin to run from the death of the husband, as for instance, when, as in this case, the widow is by the statute permitted to occupy with the heir, without assignment of dower, until the latter objects, and the land is retained vacant, and the heir and the widow lived together on adjoining land, and the heir or her grantee did not claim adversely until nine years after the husband's death.

Damages for the detention of dower are allowed under the circumstances only from the date of demand.

## STATEMENT OF CASE.

This is a suit in equity for assignment of dower and for damages for detention of dower. The plaintiff's husband died intestate seized of the land in question June 29, 1871, leaving a minor daughter as his only heir and the plaintiff as dowress. The land, which is situated on Liliha street, Honolulu, was then vacant and remained so until the daughter, having come of age, conveyed it to one Naukana, October 7, 1880. During that period, the widow and daughter lived together on land adjoining the land in question. Naukana leased the land, March 29, 1882, to one Wong Quing for ten years at \$65 a year and on April 23, 1883, conveyed it to the defendant Pereira, who, some time after the expiration of the lease, filled in the land, which was low and wet, and on May 1, 1889, leased it for fifteen years at \$300 a year to the defendant Kobayashi, who erected a hospital upon it. The Circuit Judge held that the plaintiff was entitled to dower and, finding that dower in the land could not be set apart without injury to the owner, ordered it to be paid in money amounting to \$511.76, being the present worth, at the legal rate of interest, of one-third the income for the widow's expectancy of life, and allowed further the sum of \$827.79 damages, being one-third the rents and interest thereon, received from the two leases up to the time of the interlocutory decree. The defendant Pereira appealed.

## TITLE TO DOWER.

The first question is whether the plaintiff is now entitled to dower at all. No question is raised as to the amount at which her dower interest, if any, was valued. It is contended that her right of action accrued on the death of her husband, in 1871, and that therefore she is barred by the statute of limitations, the period prescribed by which for real actions was twenty years at the time this suit was begun, in September, 1899. There is much difference of opinion elsewhere as to whether general statutes of limitations are applicable to actions for dower (See 19 Am. & Eng. Enc. of Law, 2d Ed., 205; 19 Id. 180) and we have no special statute on the subject; but in our opinion the better rule is that the general statute does apply, and it was so stated in Makahuna vs. Pua, 6 Haw. 651.

## WHEN STATUTE BEGINS.

But does it run from the time the right to dower accrued, in this case June 29, 1871, when the husband died, or from the time an adverse claim is set up against it, in this case April 23, 1883, when the daughter conveyed? If the latter date, the twenty years had not elapsed when this suit was begun. There is no evidence that the daughter claimed adversely to the widow before that date. The land in question was vacant and they both lived together on adjoining land. There is upon this question also—as to when the statute begins to run—some difference of opinion elsewhere.

It seems to us that when, as in this case, the widow had a right under the statute to occupy the land with the heir or to receive her third of the rents, issues and profits, until objection should be made by the heir, and when the land remained entirely unoccupied, and both heir and widow lived together on adjoining land in a friendly way, the widow would be under no obligation to call for an assignment of dower and the statute would not begin to run until one of them began to claim adversely to the other. There was no occasion before that for the widow to assert her rights.

It is argued, however, that equity is not bound by the statute of limitations and may deny relief on the ground of laches, even when the statute has not run. It is true "equity aids the vigilant, not those who sleep upon their rights," but it is also true that "equity follows the law" and this seems to be a case for the application of the latter maxim.

## WHEN DAMAGES BEGIN.

The remaining question relates to the time from which damages should be allowed for detention of dower.

BOYD ON  
TOURISTSProblem Club Told  
How It May  
Help.

"Tourist Traffic, How Can You and I Promote It," furnished the topic for a most interesting discussion at the Problem Club in the Y. M. C. A. rooms last evening. Mr. E. M. Boyd gave a very entertaining half hour talk on the subject, to the largest audience which has attended the club's meetings for months.

Mr. Boyd spoke of the difficulties with which the Hawaii Promotion Committee had to contend and asked the co-operation of all the people in getting tourists to come here. He also gave some interesting facts in connection with the crusade since it was inaugurated October 1st. The total cost of the advertising had been \$6,500 which included the magazine displays. With that expenditure of money the committee expected to reach three and a half million readers. Comparing the work in Hawaii to other advertising propagandas, Mr. Boyd stated that when the Rock Island sent its new special train to the Pacific Coast, it spent \$10,000 in advertising before the train left the Chicago depot. "And yet critics here call us extravagant," said he, "when we expend \$15,000 in advertising beautiful Hawaii."

Mr. Boyd said he wanted to speak of the personal side of the tourist propaganda. He said that no man could be a success in what he taught unless he believed in it himself. One thing the Hawaii Promotion Committee struggled for was the sympathy and support of every citizen of Hawaii in the work. He himself believed in Hawaii as a tourist resort. But the committee's efforts would be circumscribed unless everyone assisted. The committee's work was impersonal; what is most needed is to have every one personally send to friends and start an inquiry directed towards Hawaii. This was most needed—the help of all citizens in the work. In this connection Mr. Boyd spoke of the work in California, in intensity with which residents boomed the State. Last year 85,000 tourists came to stay and there were 275,000 visitors altogether. This year preparations were being made to entertain 500,000 visitors.

In California railroad men had told him that the success in California was due to the personal interest taken by residents of that State in inducing tourists to come. "Unless the people of Hawaii believe that this is a good place to come to and to stay, and impress this upon their friends, we must fail. If we succeed," concluded Mr. Boyd, "it is your success. If we fail it is not your failure but ours."

A general discussion followed in which many of those present took part. Dr. C. B. High said he believed thoroughly in the tourist proposition and that the campaign had been too long neglected in the past. Hundreds of thousands of tourists had passed through here who might have been made advertising agents for the Islands. He also said that if anything happened to sugar, the country would have to depend upon tourists, and that because sugar had been king, people had been too independent to pay attention to tourists in the past.

W. C. Weedon also endorsed Mr. Boyd's remarks and said he believed in Hawaii. He had first lectured here many years ago and had come back to live. He believed also that Hawaii could be made not only a tourist resort but a place for homes.

John Martin interjected a little spirit into the discussion with the remark, "Lord save me from a place built up by tourists. Look at Pasadena," he said. "They eat, sleep and die there. That's Pasadena. All you get is the sick." He also said he had rather have a mechanic than a tourist in Hawaii.

Mr. Martin refused to explain what he meant but promised to see Mr. Boyd later and give him some facts. "We all make allowances for Mr. Martin," remarked Rev. E. S. Muckley, the chairman.

E. T. Tannatt, Robt. Law and others also took part in the discussion. Mr. Boyd was given a vote of thanks.

Should it be from the death of the husband, from the beginning of the adverse possession, from six years back, from demand or from the commencement of the suit? This is often settled by statute, and in the absence of statute some nice distinctions are drawn from varying states of facts, and courts differ greatly.

To allow in favor of one who, as in this instance, has slept on her rights and against one who, as here, purchased in good faith, and who might have been in possession for only a short time, damages from the husband's death, in this instance, for some thirty years, does not seem quite right to say the least. That was not allowed at common law and is not required by any statute. Nor is there any rule of law or statutory provision requiring or permitting an allowance from the time the defendant purchased, say, for about twenty years in this instance.

The decree appealed from is reversed and the case is remanded to the Circuit Judge for such further proceedings as may be proper consistently with this opinion.

L. Andrews for the plaintiff; Robertson & Wilder for the defendant; Pereira.



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is recommended in all cases of indigestion,  
constipation, and all diseases of the bowels.  
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erysipelas, eczema, and all diseases of the  
skin, and all diseases of the bowels. It is a  
powerful purgative, and its use is recommended  
in all cases of indigestion, constipation, and  
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## BAD LAW HOLDS GOOD

### Criminal Set Free With Court's Regret.

By a unanimous opinion of the Supreme Court, written by Chief Justice Frear, the case of Domingos Ferreira is remitted to Judge Gear with directions to discharge the prisoner. Ferreira was serving eighteen months in Oahu prison for criminal assault on a female under fourteen years of age. His lawyers brought him by writ of habeas corpus before Judge Gear, who released him on the ground that the prison-keeper was not furnished with a copy of the judgment and sentence and that no mittimus was directed to the prison-keeper. The Attorney General took no appeal but, relying on the statute, had the matters found defective by Judge Gear remanded. A certified copy of the judgment and sentence was furnished the prison-keeper and the prisoner was rearrested. He sued out a second writ of habeas corpus, on the hearing of which Judge Gear remanded him to custody on the ground that since his first discharge the High Sheriff had furnished the prison-keeper a certified copy of the judgment and sentence.

The Supreme Court holds that the first discharge was erroneous, yet binding since no appeal from it was taken. In the course of the decision the law here is shown not to require that the prison-keeper shall be furnished with a copy of the judgment and sentence and have a mittimus directed to him, the high sheriff being responsible for the safe keeping of all prisoners. In the closing paragraph of the opinion next to the final order the court says: "The Attorney General should have appealed from the first decision instead of relying on the statute. We regret that we are obliged to discharge the prisoner on the present state of facts because of an error on the part of the Circuit Judge at the first hearing and the failure of the Attorney General to appeal."

G. A. Davis and F. M. Brooks for the petitioner; Attorney General L. Andrews, contra.

**GRAND JURY BLAMED.**  
Manuel Martin and Manuel Gomez were put on trial before Judge Gear yesterday for malicious injury. L. M. Strauss assisted the prosecution, S. F. Chillingworth appearing for defendants. The jury consisted of E. Norrie, J. L. Aholo, F. J. Robello, E. K. Rathburn, W. M. Bush, Geo. Woolsey, D. F. Thrum, J. P. Makainai, J. H. Davis, J. H. Wise, W. A. Wall and Theodore Wolff. The jury returned a verdict of not guilty.

In charging the jury Judge Gear punningly commented on what he called the "sharp" practice of the complaining witness, Robert W. Sharpe. He bought a horse of defendant Martin for \$50 on which he paid \$25 on account. When asked about security, he told Martin that if he did not pay, Martin could take the horse back. At some time he gave Martin a document written on a blank form of receipt in the following terms:

"June 30, 1903. ('Received from' scratched out.) 'Pay to Manuel Martin Thirty-five Dollars completing full amount for gray horse.'  
"R. W. SHARPE."

Sharpe, in reply to a question on the stand, said he would not have accepted such a writing as a note of hand if offered to himself.

When Sharpe failed to pay the balance, Martin and Gomez took the horse away. For this Sharpe had them before the grand jury, who indicted them for malicious mischief. Judge Gear expressed amazement at this proceeding of the grand jury, as it was plain that the complaining witness had attempted to bluff an unsophisticated Portuguese in a business transaction.

**BEFORE FIRST JUDGE.**  
The jury trying Pang Chong vs. W. Kelle, defendant, and Pioneer Building & Loan Association, garnishee, before Judge De Bolt, rendered a verdict for the defendant.

Frederick Nolte vs. J. A. Magoon, claim of \$500 damages for trespass on property at Manoa in making a right of way over it, was put on trial before Judge De Bolt with the following jury empaneled:

George C. Miller, E. H. F. Wolter, E. McCriston, Chas. E. Frazier, W. H. Thornton, E. E. Mossman, Benito Guerrero, Chas. Butzke, I. Livingston, John Kuana, E. R. Adams, and H. Meek.

Andrade appeared for plaintiff, J. A. Magoon and J. Lightfoot for defendant. The trial will be resumed at 9:30 this morning.

#### NAKUNA'S SLANDER SUIT.

Moses K. Nakuna vs. Thomas G. Thrum, trespass on the case for slander, came up for trial before Judge Robinson yesterday morning. Plaintiff claimed \$10,000 damages on account of statements made by defendant in an interview relative to the dismissal of plaintiff from the position of deputy registrar of conveyances. The quotations from the interview given in the complaint are as follows, each one being accompanied with elaborate explanations to show that it is legally slanderous:

"That Nakuna has been troubled with the 'big head'."

"That perhaps he aspired to the position of the registrar."

"That for the last three or four months Nakuna has been conducting himself in the office in anything but an agreeable manner. He has been taking his own time about things and has absolutely failed to remember his position and the duties thereof."

"I fear very much that the whole affair is a conspiracy and that race

prejudice must be at the bottom of the business."

"That the insubordination of Nakuna was the result of a conspiracy."

"That Nakuna stirred up revolt among the copyists in the office, who are all native Hawaiians, and it was the desire of all of them to be rid of me."

"That Nakuna has entertained a deep hatred for me and has lost no opportunity to create dissatisfaction among the employees."

Lorrin Andrews appeared for the plaintiff, and Abram Lewis, Jr., for the defendant, who is registrar of conveyances. The following jurors were found satisfactory, one of them being drawn from the bystanders:

Alexander Kahoalii, A. H. K. Keokaloie, William F. Love, Charles T. Day, Albert A. Wilson, Solomon A. Hiram, Charles Lewis, John H. Jones, C. N. Arnold, E. K. Naauao, Henry De Fries and W. J. Coon.

Mr. Lewis presented a motion for judgment in favor of the defendant on the pleadings, and the jury was excused while the motion was being argued. Argument continued into the afternoon, when the motion was denied and the jurors resumed their places. The trial is still on.

#### ATTORNEYS BE PREPARED.

The following is a list of the cases answered ready for trial before Judge Robinson, and each case will be taken up in order when reached: Union Express Co., Ltd., vs. Inter Island Telegraph Co., Ltd., defendants, and S. M. Damon, et al., garnishees; Hawaii Railway Co., Ltd., vs. Inter Island Telegraph Co., Ltd.; Kapilani Estate Ltd., vs. J. G. Faria; Keawe (K) vs. Makamaka (K) and Nuha (K); Manoel Pedro Ferreira vs. Honolulu R. T. & L. Co. (set for Monday, November 30, 10 a. m.); Allen & Robinson vs. Hoffman & Riley; E. H. Holt vs. J. L. Holt, Jr.; Washington Mercantile Co. vs. Lam Toy; Levea & Cooke vs. J. W. Redhouse; Ng Gang et al vs. Mok Chock.

#### E. C. MACFARLANE'S ESTATE.

A lengthy petition has been filed by the executors and executrix of the estate of E. C. Macfarlane, deceased, viz: George W. Macfarlane, Henry R. Macfarlane, Fred W. Macfarlane and Florence B. Macfarlane. It relates the proceedings in probate relative to the estate thus far had, and then states that a claim against the estate for \$3,268.89 by Fred W. Wundenberg for himself and as assignee of W. A. Kinney, secured with 500 shares of McBryde Sugar Co. The property of the estate is represented to have produced, owing to general depression, insufficient income to pay the allowances provided in the will and the costs of administration, and individual advances have been made by one or two of the executors properly to keep up the administration.

Details of the various interests and securities composing the estate are gone into, showing their depreciation owing to what is styled the temporary depression. Finally, the petitioners give particulars of the decedent's one-third interest in the Puloa sheep and stock ranch in Waimea, Hawaii, with the conclusion they have reached that this is the most available property to be sold for means to pay Wundenberg's claim. Fred W. Macfarlane and J. O. Carter, trustees for Florence B. Macfarlane and Clarence W. Macfarlane under the will, as well as Geo. W. Macfarlane and Henry R. Macfarlane, surviving members of the copartnership owning the ranch, agree to the proposition.

They accordingly pray that First Judge De Bolt issue an order authorizing the sale of the entire property of the copartnership of the Puloa Sheep and Stock Ranch Co., at public auction after proper advertisement, with the restriction that no bid of less than \$20,000 be received or entertained. It is stated in the declaration that for the three years ending Dec. 31, 1902, the copartnership showed a gross income of \$34,407.92 and net profits to the amount of \$18,063.50.

Henry E. Highton is attorney for petitioners.

#### COURT NOTES.

Lucy H. McWayne petitions that she be appointed guardian of her four minor children—Robinson Allen, Chas. Andrew, Clarence Scott Foster and Kulamane Beatrice McWayne—for the purpose of taking care of a legacy of \$1500 devised to them under the will of S. C. Allen, deceased.

In the case of Thomas Milner Harrison vs. J. A. Magoon et al., the Hasey business, defendants have filed a bill of costs amounting to \$522.30.

Kallua's suit of fraud against the James Campbell estate trustees is docketed for hearing on demurrer at Circuit Court chambers on Monday next.

### PORTUGUESE BOYS ARE SUSPECTED

The residence of Mrs. Chas. Lucas, No. 5, McLeod Lane, is reported to have been burglarized at 11 o'clock yesterday morning. The burglar or burglars forced an entrance through a kitchen window, and then ransacked the house taking a clock, some jewelry, and wearing apparel. Money was probably searched for as the pillows on a bed had been removed. Neighbors saw two Portuguese boys in the yard shortly before 11 o'clock.

"But what is the use?" said the private secretary, "of advertising for your lost pocketbook, when it contained only a dollar or two in money and a few papers of no importance?" "It gives me the opportunity," replied the distinguished statesman, lowering his voice to a confidential tone, "of conveying the idea to the public that I don't carry any railroad passes."

#### CHILDREN LIKE TO TAKE IT—

The finest quality of granulated loaf sugar is used in the manufacture of Chamberlain's Cough Remedy, and the roots used in its preparation give it a flavor similar to maple syrup, making it quite pleasant to take. Children like to take it and it has no injurious after effect. It always cures. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

## TO LIGHTEN THE GLOOM

### Seventy New Arc Lamps Added to Honolulu Highways.

Under an appropriation of the recent session of the Legislature, the lighting of the streets of Honolulu has been largely augmented. No less than seventy arc lights of latest pattern have been installed under the direction of W. L. Frazee, superintendent of government electric lights.

King street has its line of lamps extended out to Kamehameha schools, while the Waikiki road is now illuminated clear out to Kapiolani park. Through the park, by a stipulation of the commissioners, the Rapid Transit Co. has installed a system of arc lights.

Hitherto dark highways and lanes in the outskirts of town are also made independent of the moon, doubtless to the advantage of the peace and security, as well as the comfort of the inhabitants of neighborhoods affected. As the government electric light works had already a full load, with the presently available head of water, power for the additional installation of street lights is hired from the Hawaiian Electric Co.

### HAVE CASTAWAYS BEEN KILLED?

Mr. Lambert, U. S. Vice-Consul of Formosa, cables Mr. E. C. Bellows, U. S. Consul-General at Yokohama, under date Daitobol, Oct. 17th, 8:25 p. m., to the following effect:

"Wat Morris, mate; Henry Adams and Peter Johnson, seamen; Thomas Pickle third mate, all Americans, are supposed to have been killed by savages on Hotel Tobago Island where they landed from the missing boat from the wrecked Benjamin Sewall."

"The U. S. Wilmington and two Japanese ships are now searching the island."

Hotel Tobago Island has a bad reputation for hospitality towards strangers. It is a dependency of Formosa, some 45 S. E. of Formosa; lat. S. 22 degrees 1m. 40s; long 121 degrees 45m. 45s. E. Mr. James W. Davidson, in his standard work on Formosa, published this year by the "Japan Gazette" Co., says of it:

Hotel Tobago, which is only some 35 miles in circumference, consists of a single long hill on the slopes of which the savages live. To the ethnologist the inhabitants of this little land are perhaps the most interesting of all the savages in the colony, and doubtless there are few tribes in the whole East who live in such a primitive manner, and who have had so little communication with the outside world, as the Hotel Tobago savages.

There are but few historical references to the island. Captain Beechey commanding the British Government vessel Blossom visited Hotel Tobago in 1825, determined its position, and constructed a plan of its northern and western sides. Beechey reports the lower slopes of the island as under cultivation, and that a large village was seen on the northern side. As the officer further reports that "The coast is rocky in almost every part, and probably dangerous to land upon, as needle rocks are seen in many parts of the island," it would appear that no landing was made. There is, however, a record of Chinese visitors. In a report on the Formosan savages made by a Chinese officer attached to the Formosa government, published in 1922, it is stated that the early Chinese of Formosa visited Hotel Tobago in hopes of finding there some profitable trade.

They found the island inhabited by a people with whom they could not converse, and who furthermore were unwilling to part with their little property. Disappointed at the failure of their trip they slaughtered many savages, and gathering together the scanty possessions of their victims, returned to Formosa. At a later date, other Chinese from South Formosa, adding to their party some savages from Koshun (Henchun) district, who were expected to serve as interpreters, visited Hotel Tobago. The natives, not for getting the treachery of their former visitors, retaliated on this occasion; for it is recorded that not one of the party ever returned.—Japan Gazette.

**Women Tourists Cause a Runaway.**  
Yesterday afternoon two women standing on the corner of Fort and Hotel streets frightened one of the delivery horses of Grady, Sayres & Co. by shouting, tossing their handkerchiefs and making themselves generally conspicuous. The horse broke away from the hitching post, turned the wagon over tossing several cases of merchandise on the pavement and ran wildly up the street. Both women were arrested and charged with being public nuisances. The women claimed to be invalids. They testified that a few hours previous they had stopped in a local drug store and were extremely benefited for having drank profusely of Cooke Mineral Water. The judge only laughed and said "that must be great stuff."

#### An Expensive Paper.

Alfred Freitas, a young Portuguese boy, was arrested on a warrant yesterday charging him with larceny. A day or two ago Freitas sold a newspaper to Mr. Lockwood at the Moana Hotel. Mr. Lockwood had no small change and gave the boy a \$5 gold piece, asking him to get change at the office. That was the last the purchaser of the paper saw of the boy or the money.

## GUNS READY FOR RIOTS

### Police Station Armory Formidable Arsenal.

If a riot should break out in Honolulu requiring not only the services of the police but citizens as well to quell the disturbance, there are enough guns and equipment at the Police Station all ready for instant use to arm 300 persons.

The police station armory consists of two cells facing on the corridor at the rear of the offices of High Sheriff Brown and Deputy Sheriff Chillingworth. In these the guns and revolvers comprising the police equipment are arranged in gun racks in systematic order, the various models being grouped.

Police Officer Elvin is the armorer, and almost every day is spent by him in caring for the guns or inspecting the ammunition. Each gun is carefully looked after, oiled, burnished, cleaned and greased, so that the instant a call is made for a gun it is ready for immediate use. One end of the corridor is allotted to Elvin as a sort of workshop and a gun, a belt, buckle or revolver holster is generally to be found upon his bench undergoing cleaning or repairing.

There is an odd assortment of guns in the armory. There is a fine array of carbines for the use of the mounted police. There are repeating 45-70 Winchester for the foot police, also Remingtons and Springfield. A row of 1876 model Winchesters are the trophies of the revolution of '95, being captured from the rebels. The two 44 Winchester rifles taken from the last armed lepers, who were captured by strategy at Kaena Point the first part of the present year, are now added to the armory ready for use. There are rifles and revolvers which were used by suicides, and there is a Lee Metford rifle, such as is used in the British army, captured from a revolutionist. One of the curious guns is a Morse model 1856 Winchester rifle, said to be one of the first rifles of that type, being a breech-loader, but similar in action to the more recent makes. A Mauser magazine revolver hangs upon a peg next to a Louvre magazine pistol.

Every revolver is numbered and hangs from a peg, close to which is the same number on a metal plate. If a revolver is missing from a peg, the armorer knows who has it, and even if the user should be killed in a secluded place and the remains should be found years afterward, the gun if found also, would disclose the identity of the deceased.

### ASHFORD INVOKES THE GRAND JURY

C. W. Ashford, attorney and a defeated Home Rule candidate for supervisor, yesterday presented a paper to Judge Gear, presiding at Circuit Court term, at the same time orally preferring a varied category of charges of unlawful practices in the Oahu county election against persons he did not name.

False personation, tampering with ballots, undue official influence and improper rejection of ballots were among the acts alleged. When asked why he did not present the information to the Attorney General for his action instead of requesting the court to order an investigation by the grand jury, Mr. Ashford stated that the Attorney General and one of his deputies were among the accused, they being charged with coaching a man to impersonate a voter.

Deputy Attorney General Peters questioned the right of Mr. Ashford to attack the Attorney General's department in the manner he had chosen. There was a legal mode of redress; the complaint could have been entered in the District Court.

Judge Gear said redress was obtainable in his court.

Mr. Ashford stated that Mr. Peters was not implicated and, later, that he was only giving Mr. Peters a certificate to that effect.

Mr. Peters did not want any certificate from him.

Judge Gear, after perusing the complaint or whatever it was and holding it for the present confidential, announced that he would deliver a charge to the grand jury on the subject on Thursday morning.

### BOUGHT HER NO CLOTHING

Katie Spencer yesterday filed suit for divorce against Charles Grant Spencer on the ground of non-support. They were married on October 18, 1902. The libellant says that Grant is a "person of indolent and shiftless habits, utterly averse to do anything." She claims he has not purchased her any clothing since they were married, and has never contributed anything toward her support. He has frequently left her and been absent for several weeks and is wholly indifferent to her happiness, so she alleges.

Up-to-date revolutionary methods: "Well, this," said the South American citizen, "is carrying things too far in our base and servile imitation of Yankee methods." "What is that?" "Why, the insurgent and government authorities are having forenoon and afternoon programs printed for all our revolutions!"—Town and Country.

## No Strength

Are you easily tired? Is your work a burden? Do you often feel weak and faint? Is your appetite poor? Are you easily discouraged? Then your nerves are weak and your blood impure. Sickness is not far away.



Mr. Frederick Devigne, of Claremont, Cape Colony, South Africa, sends his photograph and this letter:  
"My blood often becomes impure, causing eruptions on the skin, and my general system gets all run down, causing indigestion and great debility. But I take Ayer's Sarsaparilla, which quickly brings me out of my troubles. For all those who are debilitated and weakened by the long, hot summers of our country, there is no remedy equal to this grand family medicine."

## AYER'S Sarsaparilla

There are many imitations "Sarsaparillas." Be sure you get Ayer's.  
Always keep your bowels in good condition with Ayer's Pills. They are purely vegetable, act on the liver, and cure constipation, biliousness, sick headache, and all liver troubles.  
Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO.

### ASSOCIATION WILL HOLD A SALE

On Friday and Saturday, November 27 and 28, a sale of fancy work will be conducted in the gymnasium of the Y. W. C. A. under the auspices of the Association. Any members of the Association who wish to may put any article into the sale. The sale is not for the benefit of the Association, and no commission will be exacted for the sale of any articles. The only ones to benefit by it are those who contribute the articles.

A number of fancy articles, including pyrographic work and china painting and needlework as well as Hawaiian and Japanese articles have been offered to go into the sale. Any members desiring to offer articles for sale should notify the Association general secretary.

A joint social of the Y. W. C. A. and Y. M. C. A. will be held on Tuesday evening at the Y. M. C. A. hall. A committee of charming young women of the Y. W. C. A. will serve fruit drinks and refreshments. The social is both for ladies and gentlemen and strangers are cordially invited to attend.

#### Territorial Finances.

Treasury receipts for October were \$59,772.50 as compared with \$110,558.09 in the corresponding month of 1902—leaving out \$140,000 interest received from the U. S. Government last year. Expenditures for October were \$22,703.51, as compared with \$189,897.71 in October, 1902. The current cash balance October 31, was \$34,637.48, as against \$49,806.36 that day last year. The net loan indebtedness on October 31, 1902, was \$1,925,000, and on October 31, 1903, \$2,157,000, an increase of \$232,000.

Well trained: "I'm quite anxious to get the names of all present," said the reporter, "will you oblige me—"  
"Oh," said the meek little man, "you may put down 'Mrs. Henry Peck and husband.'" "You mean Mr. and Mrs. Henry Peck, don't you?" "I would prefer that," he replied, with a furtive glance over his shoulder, "but for goodness sake, don't say I gave it to you that way."—Philadelphia Press.

## HEARKEN YE!

To the Voice of Honolulu People.

If you will but listen to your friends and neighbors they will tell you how the pains and aches of a bad back, the annoyances of urinary troubles, the nervousness, the restlessness which come from kidney ills can be relieved and cured. Read what one Honolulu citizen says:

Writing under date of January 10th, 1899 Jurgen Walter of this city tells us as follows: "My age is 79—well past the ordinary span of life—and I am the parent of eight children. Being so far advanced in years, I regard the relief obtained from Doan's Backache Kidney Pills."

I suffered from a lame back for years, but after taking some of the pills (procured at Hollister's drug store) was greatly benefited, and I am satisfied the pills did me much good."

Our kidneys filter our blood. They work night and day. When healthy they remove about 500 grains of impure matter daily, when unhealthy some part of this impure matter is left in the blood. This brings on many diseases and symptoms—pain in the back, headache, nervousness, hot, dry skin, rheumatism, gout, gravel, disorder, eyesight and hearing, dizziness, irregular heart, debility, drowsiness, dropsy, deposits in the urine, etc. But if you keep the filters right they will have no trouble with your kidneys.

Doan's Backache Kidney Pills are sold by all chemists and storekeepers at 50 cents per box, or will be mailed on receipt of price by the Hollister Drug Co., wholesale agents for the Hawaiian Islands.



**Hamburg-Bremen Fire Insurance Co.**

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of  
F. A. SCHAEFER & CO., Agts.

**German Lloyd Marine Insurance Co. OF BERLIN.****Fortuna General Insurance Co. OF BERLIN.**

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO.,  
General Agents.

**General Insurance Co. for Sea River and Land Transport of Dresden.**

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.  
F. A. SCHAEFER & CO.,  
Agents for the Hawaiian Islands.

**THE CLIFTON**

T. K. JAMES, Proprietor.

Private apartments, en suite and single. Finest appointed and furnished house in Hawaii. Mosquito proof throughout. Hotel street, near Alakea.

**YOUR SUGAR CROP**

Depends on the right quantity and quality of Ammonia. It has to feed upon Nitrogen (Ammonia) being the principal material removed from the soil by sugar cane.

A few dollars' worth of

**Nitrate of Soda**

(The Standard Ammoniate.)

fed to each acre of growing cane will give surprising results.

Planters should read our Bulletin giving results of Agricultural Experiment Station trials. They are sent free. Send name on Post Card.

**WILLIAM S. MYERS, Director.**  
12-16 John St., New York,  
U. S. A.

**Kodaks****Films and Paper**

Just Received Ex  
"Siberia"

**Developing and Printing Guaranteed**

**HOLLISTER DRUG CO.,**  
FORT STREET.

**CHAS. BREWER CO.'S NEW YORK LINE**

Ship Tillie E. Starbuck sailing from New York to Honolulu March 1st. FREIGHT TAKEN AT LOWEST RATES.

For freight rates apply to

**CHAS. BREWER & CO.**  
47 Kilby St., Boston,  
OR C. BREWER & CO.,  
LIMITED, HONOLULU.

A Home Rule jubilation over election triumphs at Hokena, Hawaii, evolved a free fight in which the hokoued sex was mixed up. Some more gin made the function resume its initial elements of bliss, the repairing of noses and drapery being deferred till the morrow.

Setting himself right: "What do you consider the greatest object of interest in England?" asked the interviewer. "Well," answered the great lecturer from abroad, "I arrived here yesterday, and —" "Of course, exclaimed the interviewer, apologetically, "I mean the greatest object of interest next to yourself." —Tid-Bits.

**JOHN F. SCOTT DIED WEDNESDAY**

John F. Scott, whose desperate condition was reported in yesterday's Advertiser, died at 8 o'clock the same morning, at his home in Prospect street.

Mr. Scott was widely known as an educator and he was popular in social circles. Many years ago he taught the public school at Waimea, Kauai, and later was principal of the school at Waianae, Oahu. He succeeded the late W. Jas. Smith as secretary of the Board of Education, and in following regimes served as an inspector and again as a teacher.

Four years ago Mr. Scott sustained a stroke of paralysis and was near death's door then, but rallied and took a prolonged vacation in the United States. He had a lighter attack after returning home and recovered so far as to be able to take daily walks out doors. Only a few days ago he was taking such exercise. Then the final stroke came and speedily brought the afflicted man to his end.

Mr. Scott was about fifty years of age, an American citizen born, and leaves a wife to mourn his loss. The funeral will take place from Harmony hall, under the auspices of Harmony Lodge, I. O. O. F., at 3:30 p. m. today.

**ENGLISH AS BUILT ON THE DICTIONARY**

The following is a copy of a letter received by a large business house of Honolulu:

Honolulu, October 29th, 1903.  
Dear Sir: Here, I am going to disclose with your honor, by a few drops of lines.

I am having had not yet seen your face, but the hearing of your reputable name had already reached to my ear.

During the last few days I had learned by the Advertiser of Hawaii Shingo (Japanese printing office) it was said that you are wanting to apply a Japanese clerk in your plantation-store; by this opportunity to employ me with your favor in that situation, and I have no object in wages. I am having high-school education in both Orient and Occident, good experience are practised at Japanese mercantile houses in this city (age 20). So I am expecting to your replication Address. . . . Now I have nothing more to describe, and I must ask you to believe me to be your faithful servant.  
Respectful yours,  
( . . . )

**Makes You Mad.**

Ain't nothin' makes a woman so hop-pin' mad when she thinks she's got a bargain as to come home an' find her neighbor got a better—our awnings are all bargains and one price to all, pearson and potter company.

A journalist sat for many weary minutes in the waiting room of one of our medical celebrities. His patience at an end, he called the servant and said: "My man, just go in and tell your master that if I am not admitted in five minutes I shall be well again." —EX.

**HEALTH NEEDFUL**

To happiness. Well might the greatest and wisest Man that ever lived teach us to pray, "Give us this day our daily bread." The hands, with which we do so many cunning and skillful things, the eyes that reveal to us all the sun shines on, the hearts which beat within our breasts, were once merely the yet unclean food upon our plates. What a strange, what a wonderful transformation! The body builds itself! No other machine can do so. Yet when the wear and tear becomes greater than the process of repair we grow weak and waste away. If we could keep the loss and the gain balanced, or nearly so, we should live long and be able to work and enjoy ourselves all the time. The opposite condition we call sickness or disease. To keep the wheel turning, to prevent permanent loss of flesh and power, is the aim of that ever-successful remedy known as **WAMPOLE'S PREPARATION**.

It quickly and quietly removes the waste matters from the system, promotes the marvelous change called digestion, expels the impurities and disease germs from the blood and furnishes what the body needs to make it strong and healthy. Being palatable as honey or sugar the most sensitive palates accept it freely—even those of delicate women and young children. It contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. It is a specific in Lung Troubles, Influenza, La Grippe, Anemia, Scrofula and all affections caused by impure blood. No failure. Effective from the first dose. "You cannot be disappointed in it." Sold by all chemists here and throughout the world.

**THE WOMAN IN THE CASE****Her Evidence Was Not Improperly Admitted.**

The Supreme Court rendered a unanimous opinion, written by Justice Gaibraith, yesterday in the case of Territory of Hawaii vs. Cheong Kwai. It is interesting in the story it contains illustrative of the difficulties of dispensing justice to Orientals by Occidental courts when the customs of the Orient are involved. Judge De Bolt tried the case in the Circuit Court and the Supreme Court sustains his ruling on which the appeal was taken. Following is the syllabus of the decision:

**LAW OF THE CASE.**

An objection to the competency of a witness offered by the Territory, in a criminal prosecution, on the ground that she was the wife of defendant, being referred to the trial Judge for decision as a "question of fact" was, after hearing testimony, overruled. Held, that the ruling being supported by the evidence, afforded the defendant no ground of exception.

**THE OFFENSE CHARGED.**

The defendant was charged by indictment with assault with intent to murder and on trial was found guilty. It was proved that for more than a year prior to June 11, 1902, the prosecuting witness, Fong Quin, had been living in a rooming house in Vineyard street with a Chinese woman as his mistress; that this woman had formerly been supported by and had lived with the defendant; that defendant claimed the woman was his wife and that she denied a marriage with defendant; that on the said June 11 Fong Quin returned to his rooms to take the woman to the horse races; that defendant was in one of the rooms with the woman, but immediately walked out on hearing Fong Quin enter, and in about fifteen minutes returned with a revolver and without speaking a word pointed it toward Fong Quin and fired; that Fong Quin ran out of the house, pursued by defendant, who fired four or five times, striking Fong Quin twice, but that neither of the wounds proved fatal.

The defendant was the only witness offered in behalf of the defense and no attempt was made, other than by cross examination of the witnesses for the prosecution, to overcome or contradict the testimony in support of the charge.

The following extracts from the opinion of the court will show the question it decides, as well as give a glimpse into Chinese social customs:

**QUESTION AT ISSUE.**

During the presentation of the evidence for the Territory the Chinese woman who was in the room when the shooting commenced was offered as a witness. An objection was made to her competency on the ground that she was the wife of the defendant, and, under our statute (Sec. 1416 C. L.) an incompetent witness. 1. Agreement of counsel the jury was sent out and the question of the competency of the witness was submitted to the Judge "as a question of fact." The exceptions relied on in this court were taken during the trial of this question and are: (1) To the ruling of the Judge finding that the woman was not the wife of the defendant, and was a competent witness; (2) To the ruling admitting certain testimony. . . .

The burden was clearly on the defendant to prove that the witness was his wife. Apparently this burden was assumed at the trial although it is denied in his brief. An attempt was made to prove a marriage at Hongkong according to Chinese custom followed by cohabitation there and in Honolulu. Evidence at length was given to show what was essential to constitute a marriage under custom in China. The Judge found that there was a failure to show a compliance with the essentials of marriage under this custom and that a marriage had not been proved and that the witness was competent.

**MARRIAGE AS CLAIMED.**

The defendant testified to the marriage at Hongkong and another witness swore that he attended the marriage feast. The woman testified that she had never been married to the defendant and that the first time she saw him was the day after she arrived at Honolulu, about 12 years ago, when he was presented to her as her protector by the steward of a sailing vessel in whose care she came to the Islands; that the defendant had then and there then went to live with the defendant and continued to live with him for five years thereafter and as long as he would support her; that when the defendant refused her support she took up with another Chinaman and lived with him for a year and until he returned to China, when she became intimate with a Chinese actor and after he deserted her she was taken up by Fong Quin and had lived with him more than a year prior to the shooting.

**MARRIAGE NOT PROVED.**

The evidence sustains the finding of the trial Judge that there was a failure of proof of a marriage between the woman and the defendant according to Chinese custom. . . . The evidence would not warrant a finding that there was a common law

marriage between the parties or support a presumption of marriage from cohabitation and general reputation recognized by some of the reported cases. The witness under the evidence in the record was entirely too promiscuous in cohabiting for this presumption to avail the defendant. . . .

**EXPERT CONTRADICTION.**

It does not appear that the defendant was prejudiced by the other rulings of the trial Judge excepted to at the hearing of this question, for instance, the defendant was asked on cross-examination if he knew anything "about a custom in China by which a man gives to another man money and receives in return a woman." This question was objected to as "immaterial." The objection being overruled the witness answered, "I don't know any such custom." The evidence given by the expert produced by the defendant showed that according to Chinese custom a "go-between" was usually employed to find out the age of the girl and to arrange the details of the marriage, one of which was the transfer of a sum of money from the prospective bridegroom to the parents of the bride elect. It is said that the money was to be used in the purchase of a pig and "wine and cake" for the marriage feast, an essential element of every marriage according to Chinese custom.

**WITNESS WAS COMPETENT.**

The court seems to have given the defendant rather wide latitude in his attempt to prove the Chinese custom of marriage and his compliance therewith. We are convinced that the witness was competent and that there was no error in receiving her testimony.

The exceptions are overruled. Kinney & McManahan for the prosecution; Frank Andrade for the defendant.

**FISHERY CASES CONTINUED.**

Forty-four suits to establish fishery rights, under a provision of the Organic Act relating to the ancient proprietorships in sea fisheries, were continued for the term by Judge De Bolt yesterday. This continuance is owing to the fact that a test case in the same category is pending in the United States Supreme Court. Following are the sections of the Organic Act in question, the suits relative thereto being for establishing vested rights therein mentioned: "Sec. 95. That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii, not included in any fish pond or artificial enclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this Act unless established as hereinafter provided. "Sec. 96. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this Act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the Attorney General, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

"That if such fishing right be established, the Attorney General of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated." Thus it will be seen that the outcome of these cases may cause a serious drain on the Territorial treasury.

The proprietary sea fisheries were a grievance of the poorer native Hawaiians always up to annexation. For a long period following the overthrow of the monarchy, there was not a session of the Legislature at which bills and petitions "to abolish konohiki fisheries" failed to be presented, but they never carried.

On the trial of one of the earlier fishery right cases, it developed that some of such rights long exercised and passed from hand to hand rested upon a dubious foundation of legality. Old land grants were brought from musty archives which, though the reliance of title to the sea fisheries joining the land granted, failed to show that the fisheries were thereby conveyed.

**THE SLANDER SUIT.**

The slander suit of Moses K. Nakulua vs. Thomas G. Thurum continued on trial throughout yesterday before Judge Robinson. Besides the plaintiff, the reporter who obtained the offensive interview and the acting editor of the Honolulu Republican at the time were called. When Mr. Andrews rested the case of the plaintiff, Mr. Lewis moved for a nonsuit and Judge Robinson, to enable counsel time for research of authorities, continued the trial until this morning. Mr. Nakulua testified he was prevented, by the influence of the article, from obtaining employment after his dismissal by defendant from the position of deputy registrar of conveyances. H. E. Cooper gave evidence that, when Secretary of the Territory after Nakulua's leaving the registry office, he employed him in work upon the archives.

**OTHER JURY TRIALS.**

Watanabe, a Japanese, was on trial before Judge Gear yesterday for embezzlement. He is charged with appropriating to his own use money entrusted to him for safe keeping by Korean laborers. W. S. Fleming appears for the Territory, and S. F. Chillingworth for the defendant. Following is the jury: Wm. Bush, F. J. Robello, J. H. Davis, Theo. Wolff, J. L. Aholo, J. D. Cockett, C. B. Lemon, D. F. Thurum, W. A. Hall, J. P. C. Abel, E. H. Paris and J. S. Low. Late in the day a verdict of not guilty was returned.

Judge De Bolt was engaged yesterday with the trespass suit of Frederick Nolt vs. J. A. McGoon on trial by a jury from the previous day.

**SORE HANDS**

Red, Rough Hands, Itching Burning Palms and Painful Finger Ends

**ONE NIGHT TREATMENT**

Soak the hands on retiring in a strong, hot, creamy lather of CUTICURA SOAP. Dry, and anoint freely with CUTICURA, the great skin cure and purest of emollients. Wear, during the night, old, loose kid gloves, with the finger ends cut off and air holes cut in the palms. For red, rough, chapped hands, dry, fissured, itching, feverish palms, with shapeless nails and painful finger ends, this treatment is simply wonderful.

**Millions of Women Use Cuticura Soap**

Exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations, inflammations, and chafes, or too free or offensive perspiration, in the form of washes for ulcerative weaknesses, and for many sensitive antiseptic purposes which readily suggest themselves to women, and especially mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients and the most refreshing of flower odors. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines in ONE SOAP at ONE PRICE, the best skin and complexion soap, the best toilet and baby soap in the world.

Complete External and Internal Treatment for Every Humour, Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften and thicken cuticle, CUTICURA Ointment, to instantly allay itching and irritation and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. Aust. Depot: R. TOWNS & Co., Sydney, N. S. W. So. Africa Depot: LESSONS LTD., Cape Town.

**ASHFORD PULLS THE HOLE IN OVER HIS HEAD**

Attorney General Andrews yesterday received the following apology from C. W. Ashford. It is curious as combining a contradiction and a confirmation of the newspaper reports of his reckless talk in court the previous day for which he apologizes. This is the letter:

Personal.

**KAPOLANI BUILDING**

Honolulu November 11, 1903.  
Hon. Lorin Andrews, Attorney General, Honolulu.

My Dear Sir: I am incorrectly reported in the papers concerning what I said before Judge Gear yesterday when presenting my charges for investigation by the Grand Jury. I did not say that "the Attorney General and one of his deputies are accused in that paper," but in response to a suggestion by Mr. Peters that such matters should have been submitted to the Attorney General, did say, (and I regret having said it, because it was unnecessary, not because it was untrue) that "my information was that the Attorney General and one of his deputies had actively assisted in coaching, upon his cross-examination, one of the men accused of attempted false personation and perjury." If you have not seen the paper I handed to Judge Gear, I still feel at liberty to assure you that neither you nor your deputy is mentioned therein. I thought it unnecessary to mention either of them, and still, it was unnecessary for me to have made the remark I did make in court, and I repeat my regret that I made it, because no one more sincerely than I would lament either an unjust accusation against you or your office, on the one hand, or, on the other hand, the fact that you or your deputies should be justly accused of any infraction of the election laws. I am unable to believe that you would willfully violate the laws providing for purity of elections, and my personal regard for, and confidence in, you, is the cause of my regret above expressed, and of my belief that you are not personally involved in any offenses that may have been committed. I trust that your hitherto pleasant and cordial personal and professional relations may not be disturbed by the incident above mentioned, and beg to remain,

Yours very sincerely,  
(Signed) C. W. ASHFORD.

In addition to the foregoing, Mr. Ashford writes to the Bulletin impugning the accuracy of the published reports to lead up to this further apology:

"I do not believe, and have not intended to charge, that the Attorney General was or could be knowingly guilty of assisting in the violation of the election laws,—my confidence in the incumbent of that office is too sincere to admit of any such belief on my part I feel that justice to Mr. Andrews demands this statement from me."

**WOULD GIVE UP THEIR OFFICES**

Some of the recently elected Home Rule officers on Maui are reported to be willing to give up their offices. Some of them have been looking into the county act and discovered that they are not capable of filling the duties properly, while others are reported to have attempted to secure official bonds and met with rebuffs. One man who is in the city from Maui is authority for the statement that several of the Maui officials elected have gone to their Republican opponents and offered to turn their offices over to them. The offer, of course, was not accepted.

**COMMISSIONER'S SALE**

OF LIFE INSURANCE POLICIES AND VALUABLE REAL ESTATE SITUATE AT PONAHAUAI, IN THE DISTRICT OF HILO, ISLAND OF HAWAII, TERRITORY OF HAWAII.

Pursuant to a Decree made by the Honorable J. T. De Bolt, First Judge of the Circuit Court of the First Judicial Circuit, Territory of Hawaii, filed on the 4th day of November, A. D. 1903, in a cause entitled S. M. Damon, S. E. Damon and H. E. Wally, doing business as Co-Partners under the firm name of Bishop & Company vs. Marian R. Austin and Charles R. Hemenway as Trustees of the Estate of Herbert C. Austin, a Bankrupt. Bill for Foreclosure of Mortgage, Equity Division No. 1352, the undersigned, as Commissioner duly appointed, will expose for sale at public auction to the highest bidder, subject to confirmation by the Court,

ON SATURDAY, DECEMBER 5th, 1903

AT 12 O'CLOCK NOON,

of said day at the front (mauka) entrance to the Judiciary Building, in Honolulu, Island of Oahu, the following described property, to wit:

First. That certain Policy of Life Insurance issued by the New York Life Insurance Company on the life of Herbert C. Austin, for Five Thousand Dollars, dated May 19th, 1890, and numbered 258136;

Second. That certain Life Insurance Policy issued by said New York Life Insurance Company on the life of said Herbert C. Austin, for Five Thousand Dollars, dated September 6th, 1894, and numbered 632977;

Third. All that certain lot, piece or parcel of land situate in Ponahehau, Hilo, Island of Hawaii, in said Territory, (being part of the land described in Royal Patent (Grant) 252 to H. Pitman), and bounded and described as follows:

Commencing on the South side of Ponahehau street at the West corner of Lot No. 3 owned by Moenoe, and running along the boundary of said Lot South 55° West 250 feet; thence along Lot No. 9 South 55° West 215 feet; thence along the road North 35° West 213 feet to Ponahehau street; thence along said street North 44° East 215 feet to the point of commencement; containing an area of one and two-tenths acres, and being the same premises described in deed from D. H. Hitchcock to said Marian R. Austin by date of October 21st, 1890, recorded in said Registry Office in Liber 125 on page 416, together with all improvements thereon.

Terms of Sale are Cash in U. S. Gold Coin. Deed at expense of purchaser. For further particulars inquire of Messrs. Smith & Lewis, at their office No. 206 in Judd Building, on Fort street, Honolulu, T. H., or to the undersigned at his office in the Judiciary Building.

P. D. KELLETT, JR.,  
Commissioner.

Dated at Honolulu, Oahu, November 4th, 1903.  
6630—Nov. 5, 12, 19, 26, Dec. 3, 5.

Undaunted: They dug the bruised and battered form of the inventor out from under the ruins of his flying machine. "I want to say," he whispered, hoarsely, "that my invention is going to be a magnificent success!" Waving the surgeons away, he continued to talk to the reporters.—Chicago Tribune.

Miss osting—"It couldn't have been very comfortable automobile along that back road yesterday." Miss Flurtey—"Oh! did you see Mr. Huggard and me?" Miss Bosting—"Yes, and when I saw you, you were oscillating from one side to the other." Miss Flurtey—"Oh! that's a fib! The oscillating was all on his side."—Philadelphia Press.

Perverted pride: "Aren't you ashamed of that last massacre?" "I don't see why I should be," answered the Sultan. "It wasn't such a very small one."—Washington Star.





**THE OLD RELIABLE**  
**ROYAL**  
**BAKING**  
**POWDER**  
Absolutely Pure  
**THERE IS NO SUBSTITUTE**

## Shipping Notes.

**ARRIVED.**  
Tuesday, Nov. 10.  
Stmr. Helene, Weir, from Hilo and Hamakua ports, at 7:30 a. m., with 53 bags coffee.  
Stmr. Mauna Loa, Simerson, from Lahaina, Maiala, Kona and Kau ports, at 5:30 a. m., with 3500 bags sugar, 410 bags coffee, 147 bunches bananas, 106 bags taro, 38 hogs, 30 head cattle, 30 bags awa, 24 kegs butter, 275 kgs. sundries.  
Stmr. Kalulani, Dower, from Molokai ports, at 10 p. m.

**WEDNESDAY, NOV. 11.**  
S. S. Gaelic, from the Orient, off port at 12:30 a. m.

**DUE FRIDAY.**  
S. S. Alameda, Dowdell, from San Francisco, due early in morning.

Am. schr. Alpena, Birkholm, 49 days from Newcastle, at 9 a. m.

Stmr. Mikahala, Gregory, from Kauai ports, at 5:20 a. m.

Stmr. Kauai, Bruhn, from Kauai ports, at 12:30 a. m.

Am. bk. Alden Besse, Kessel, 25 days from San Francisco at 12 m.

**THURSDAY, NOV. 12.**  
Am. ship Marion Chilcott, Williams, from Alcatraz Landing, at 10:45 a. m.

**DEPARTED.**  
Tuesday, Nov. 10.  
Stmr. Kinan, Freeman, for Hilo and way ports, at noon.

Stmr. Maui, F. Bennett, for Maui ports, at 5 p. m.

Stmr. W. G. Hall, S. Thompson, for Kauai ports, at 5 p. m.

Geo. schr. Eclipse, Gahan, for Maui and Hawaii ports, at 5 p. m.

Stmr. Iwaland, Mosher, for Maui ports and Honokaa and Kukuiahele, at 5 p. m.

Stmr. J. A. Cummins, Searle, for Koolau ports, at 9 a. m.

U. S. A. T. Sheridan, Peabody, for Guam and Manila, at 9 a. m.

Schr. Chas. Levi Woodbury, Harris, for Hilo, at 5 p. m.

Schr. Lady, for Koolau ports, at 4 p. m.

O. & O. S. S. Gaelic, Finch, for San Francisco, at 4 p. m.

Stmr. Kalulani, Dower, for Molokai, Maui and Lanai ports, at 5 p. m.

Stmr. Kauai, Bruhn, for Honolulu, at 5 p. m.

Am. bk. Coronado, Potter, for San Francisco, 2:30 p. m.

Schr. Ada, Welsch, for French Frigate Shoal, at 1:45 p. m.

Schr. Charles Levi Woodbury, Harris, for Hilo at 3 p. m.

Fr. bark General De Sonis, Hemet, for Sydney, at 3 p. m.

Stmr. Mikahala, Gregory, for Kauai ports, at 5 p. m.

## PASSENGERS.

**Arrived.**  
Per stmr. Mauna Loa, Nov. 10, from Kau ports: B. H. Schultz, Donald McGregor, C. C. Catten, Father Razzutti, C. F. K. Rose, Mrs. J. J. Williams, from Kona; Mrs. John Kalauka, Mrs. Rose Rodriguez, James Edwards, Miss A. M. Paris, J. K. Nahale, J. P. Kamaoaha, J. K. Kaelemakule, Father John, Father Victor, Mrs. H. J. Collins, G. A. Thielens, Mrs. F. Matland, Rev. and Mrs. D. Scudder; from Maui ports: Mrs. R. E. Ford, Charles Gay, Mrs. F. A. Schaefer and child, F. A. Schaefer, Father Telephore, Father Wendell, C. McGonagle, P. E. Lamar, Mrs. Smith, Mrs. Neal and 53 deck.  
From the Orient, per S. S. Gaelic, Nov. 11—For Honolulu: L. F. Weaver, Mrs. Weaver, Rev. C. M. Williams, D. Yonekura, For San Francisco: F. F. Bollinger, Mrs. Bollinger, Edward Cunningham, John Fowler, Master Marcus C. Fowler, Miss E. L. Gumpert, W. Hohmeyer, Dr. C. J. Hopkins, Mrs. W. T. Latimer, Paul Meyer, W. J. Pointer, Miss A. Peole, Dr. H. Sidebotham, Mrs. M. G. Wendel, Master L. G. Wendel.

**Departed.**  
For Hilo and way ports, per stmr. Kinan, Nov. 10—Rev. E. S. Timoteo, E. Langer, S. Kellin, W. L. Stanley, Gordon McLean and wife, E. R. Henry, W. A. Bailey, Thos. Reinhardt, Geo. Wilson and wife, Thomas Low, H. Rockwell, John A. Luis, C. S. Holloway, W. H. Welburn, P. Beck, Jno. Hill, Wm. Taylor, A. Black, F. J. Lindeman, R. H. Topham and wife, Mrs. de Mello, Mrs. T. Hollinger, Miss Hollinger, Captain Read, Major Moon, P. P. Woods, F. J. Woods, Major Birkheimer and wife, Geo. Steubner, A. H. Irvine, Major Davis, Col. McKenzie, L. Thomas, C. Kaiser, J. A. Matthewman and wife, Mrs. M. K. Keohokaloie, Miss A. Kinney, Captain Williamson and wife.

For Maui ports, per stmr. Maui, Nov. 10—J. J. Drummond, W. H. Cornwall and wife, D. F. McCormiston, W. Mann, C. W. Dickey, Rev. G. L. Pearson, Mrs. J. L. Cornwell, two children and servant, A. Jackson, Adj. Cos. Chuck Lee.  
For Kauai ports, per stmr. W. G. Hall, Nov. 11—G. H. Pecht, W. A. Kinney, Mrs. C. M. Cooke Jr., F. M. Bechtel, Dr. Katsunuma, Mrs. Kalo, Mrs. Kamale and child, J. Nevin, Yee Sheong, Chang Lai, Jno. Wilcox, R. Isenberg, R. Muller, Mrs. J. H. Coney, Mrs. Winkler, Mrs. S. Kanawanui, J. J. Sullivan, C. C. Eakin, J. Bergstrom, Mr. Berlowitz.

Per stmr. Mikahala, Nov. 12, for Kauai ports—O. M. Atwood, C. C. Heron, M. Rosenblatt, C. W. Smith, W. Compie, Miss N. M. Underhill, H. A. Jaeger.

**Politica.**—"Congratulations, Sarah, I've been nominated." Sarah (with delight)—"Honestly?" Politician—"What difference does that make?"—Detroit Free Press.

The Korea arrived at San Francisco on Monday morning.

Immigration Inspector Bechtel departed for Kauai last evening on the steamer W. G. Hall to ascertain the number of public charges among the foreigners, whether in hospitals or jails. He may order the deportation of some of the immigrants.

The steamer Helene is on the marine railway being overhauled.

The schooner C. L. Woodbury sailed yesterday afternoon for Hilo direct.

The Alden Besse arrived from San Francisco yesterday with a general cargo of merchandise. She made the run in twenty-five days.

With the Mongolia and Manchuria on the San Francisco-Oriental run the White Star boats Gaelic and Celtic will probably be turned back to their owners.

## LEHUA IS LAID UP FOR REPAIRS

The Kalulani is on the Lehua's run at present. The Lehua is laid up for repairs of a minor nature. The Kalulani went out at five o'clock last evening for Maui and Molokai ports. The Lehua will probably be out of commission for a week or more.

"How do you account for the sudden epidemic of grafting in all departments of public service?" asked the reporter. "Grafting is neither sudden nor recent," replied the practical politician; "hunting out and exposing the grafters is the latest fad—that's all."—Chicago Tribune.

## ANOTHER TREASURE SEARCH FAILURE

The members of yet another fruitless expedition which has been engaged in the endeavor to find the enormous treasures supposed to be hidden on Cocos Island, in the Pacific, have just returned to England, says the London Mail. Their return has been as secret as was their departure, and although they are all well known members of an important West End Club, few people (not even their intimate friends) have any notion that they have been engaged in a risky and exciting expedition.

The party—who were in possession of what they considered a most reliable clue to the whereabouts of the treasure—left London by different routes, and met in Mexico City, having arranged before starting for a vessel to meet them at a remote port on the Pacific coast.

After running the gauntlet of yellow fever and typhoid in Mexico, says one of the members now returned, they took train for this port, and endured a five days' journey, during which the train was more often off the rails than on. They were frequently stuck in the middle of swamps and marshes, and driven nearly mad by mosquitoes and the heat. They passed many nights without sleep and many days without food.

At length they reached the port, went on board their ship, and eventually arrived at the famous treasure island. The first thing with which they were struck was the number of names chiselled on the rocks. The dates attached to these inscriptions went back nearly a century. One of the most distinct was:

H. B. Majesty's Steam Frigate Sampson, Sir C. Seymour, Bart.; Captain Henderson. 1847.

The party spent a most arduous and uncomfortable time in searching for the treasure. They had to cut their way through thick and entangled vegetation, and suffered much from the attacks of red ants, with which the island is abundantly supplied, and alternately scorched by the broiling sun and drenched by the pouring rain.

The place was found as described by the clue in their possession, but the rain had brought down so much soil that the party was not strong enough to remove it, and had finally to give up their search.

As the confidence of the leader is unimpaired it is possible that another expedition may be organized.

**Doctor.**—"Want to get up, eh? Ah, I thought my medicine would fetch you out of bed." Tommy—"Yes, an' then besides, I seen a circus poster."—Philadelphia Bulletin.

## KAUAI WILL TRY AGAIN

**Plucky Wearers of Red Are Not Dispirited.**

The Kauai polo players will not return home without having another trial to wrest a game from the Oahu champions and the Red contingent, which is a large one, is satisfied that they can do it. On Wednesday's showing, with a little care on cross riding, they have a splendid chance to win Saturday afternoon in the final game at Moanalua.

While Territorial onlookers are rapidly getting on to the points of polo, they are still vague in some places and a little elucidation of technical terms may not come amiss.

A "safety" for the making of which one-fourth of a goal is taken off the score of the teams that plays the point, is accomplished when the enemy's attack has brought the ball and players so near the home goal that defense seems futile and a score of a goal imminent. A defending player then sends, with his mallet, the ball behind his own goal line, sacrificing one-fourth point against a probable loss of a whole point. Kauai made three of these plays on Wednesday. Their presence in any score shows that the goal of the side making them was in imminent peril as many times as safeties are scored.

The term "foul" is an unfortunate one. The word foul has a moral obliquity attached to it and the words "foul play" carry universal condemnatory significance. "Fouls" which might better be termed "errors" are very seldom made with intention to foul another player by unfair play. They are usually errors of judgment, generally in colliding horses, and the referee rules whether in his opinion the angle of collision or interference was dangerous to the player being charged or interfered with. A crooking of mallets carries the same penalty in the American game.

Malice aforethought very, very rarely enters into a penalty and though the friends of a team feel aggrieved to hear that their men have been penalized by "fouls," they should read the rules and achieve wisdom, whose sister is Silence. Players themselves are seldom cognizant of the angle at which they charged or crossed and the kicks on decisions rarely come from them. The Kauai players offer a splendid example of the term "good losers" and in the face of scoring more goals than their opponents and then losing on penalties, have never murmured. They put up a bully game Wednesday and their friendly acceptance of defeat has made them stronger favorites than ever.

The rally of the Kauais on Wednesday's game was very gratifying to everybody. Spaulding in stalling off Charles Dole showed his reputation as a first class No. 1, to be firmly founded while his soaring goal, picked up at an angle from a moving ball and duplicating a goal made against Maui by Judd in the tournament last year, was clever stick work. The Rice boys showed in their full strength, Charles playing a sound consistent game, Malina rode well, hit well, only seeming to lack direction.

Oahu's play with the big rally in the fourth period, when Castle played his best game, was most commendatory. The home team plays on team work and Captain Dillingham's nasty tumble and crack on the head demoralized matters for a while until he regained perfect command of himself and his team.

The government band play on Saturday afternoon at the game which commenced at the usual hour of three and the biggest crowd of the series is expected to see the final tussle and cheer Kauai in their efforts to secure one game out of the three.

## Quarantine Launch Repairs.

The quarantine launch "Oahu" is to be given a thorough overhauling. She is to have a new engine as well as other improvements. Dr. Cofer has bids for a new marine engine for the "Oahu".

## The Richmond Abandoned.

Consul Raas and Capt. Rault of the wrecked French bark Connetable de Richmond have closed up the affairs concerning the vessel and the captain will sail on the Alameda for San Francisco on November 18. Consul Raas will not offer the vessel for sale, and if this is done it will probably be offered by the ship's underwriters.

## Our Revenue Cutter.

Nothing has been heard recently of the revenue cutter which was to be stationed in Hawaii. The last reports had it that the Manning would be sent to the islands and would be here before Collector Stackable returned from the mainland. Mr. Stackable is due back in a couple of weeks but nothing further has been heard of the cutter. It is probable that the cutter will be ordered to Honolulu very soon as Collector Stackable will probably hurry the matter while he is in San Francisco.

**Disabled.**—"Why don't you eat your pie, Uncle Eben? Don't you like pumpkin pie?" "Yes, I like it all right, but that young woman you've got helpin' you around here took my knife away."—Chicago Record-Herald.

## HOSPITAL OPENING

**Reception at the New Chinese Hospital Yesterday.**

Probably five hundred persons visited the Chinese hospital yesterday. Chinese and American flags adorned the entrance while the reception room had been made very attractive with greens, flowers and dragons. Bouquets brightened the well ventilated wards. The young ladies who decorated wish to extend their thanks to the Kauai boys who gave cheerful assistance.

Oriental costumes mingled with those of foreigners making pleasing contrasts. But a smile is a smile, and these told of interest in everything and good will to all.

The guests after greeting the reception committee, made a tour of the building beginning with the broad verandas, wards, operating and consulting rooms and ending with the dining room, where tea and cake were served. The Hawaiian band played during the afternoon.

The many Chinese ladies expressed both pleasure and gratitude to their kind friends. Over \$1600 have been contributed by prominent citizens for the maintenance of the hospital besides gifts of linen and paint.

The following ladies assisted in receiving: Mesdames Jordan, Swanzy, A. B. Wood, Frear, Brown, Fuller, Koepke, and Miss Hopper.

## CHICAGO LAUDS OUR OWN THERESA

The power of Hawaii's political boss is waning since Princess Theresa Wilcox failed to carry the Home Rule convention. For Hawaii's political boss is a woman and also a princess of the royal blood. That is, she says she is a princess, and no one who has felt the sting of her tongue dares to say her nay.

The Princess Theresa is the most prominent person before the Hawaiian ruled today. When Queen Liliuokalani ruled the island Mrs. Wilcox did not count for much in the political life of the country. It was after the American form of government was instituted that she came into power.

Mrs. Wilcox wanted this power and brought Wilcox into the race for congress. She also organized a home rule woman's club. It elected her husband as delegate, and for two years the princess enjoyed the distinction of being the social leader of the islands. Mrs. Wilcox, when she was not in Washington, bossed the home rule party in the islands.

When Wilcox returned a few months ago, having finished his term in congress, he was ill and reported to be dying. His wife took up the reins of party control and kept things going in the committee until Wilcox was able to be out, and presided at meetings of the executive committee. One man who had the temerity to object was read out of the party.

The princess started a newspaper for the purpose of electing a good, clean ticket to start off the county government. She told her constituents just what she wanted, and then they turned her down. The princess left the convention hall in a huff. Her husband is candidate now for sheriff. She announced her intention of deserting the home rule party, all excepting her husband and a few other friends and relatives on the ticket—Inter-Ocean.

## Chilcott Arrives.

The American ship Marion Chilcott arrived yesterday morning from San Francisco with a cargo of oil. She made the run down in thirteen days and had fair weather. On her last trip down the Chilcott encountered a gale off the coast of California and lost three men overboard.

## General De Sonis Sails.

The French bark General De Sonis sailed yesterday afternoon for Sydney to await orders. She will probably load coal again.

## DUTIES OF THE COURT.

The pashon—I knows he was guilty, but de judge was too hard on him. The deacon—De judge had to do his duty, pashon. He had to give him justice.

"Dat's all right 'bout justice, but justice ain't all. Dey's sich a thing as mercy. Judges ought to be justicary, but dey ought to be mercenary, too."

**Doctor.**—"Well, Mrs. O'Brien, I hope your husband has taken his medicine regularly, eh?" Mrs. O'Brien—"Sure, then, doctor, I've been sorely puzzled. The label says, 'One pill to be taken three times a day,' and for the life of me, I don't see how it can be taken more than once."—Punch.

## BY AUTHORITY.

## PUBLIC LANDS NOTICE.

Notice is hereby given that M. W. G. Smith has been appointed Sub-Agent of Public Lands for the Sixth Land District, Island of Kauai, such appointment being dated 1st, 1903.

Land Office is located on the premises of Mr. A. S. Wilcox, known as "Kilohana" on main road from Lihue to Koloa, in the District of Lihue, Island of Kauai.

ED. S. BOYD,  
Commissioner of Public Lands.  
Public Lands Office, Honolulu, Nov. 10, 1903.

## PUBLIC LANDS NOTICE.

On Saturday, December 12th, 1903, at 12 o'clock noon, at the front entrance of the Judiciary Building, will be sold at Public Auction, the Leases on the following lands:

1. The government lands of Pohakuhaku and Kenau in Hamakua, Hawaii, containing an area of 80 acres, more or less.

Term: 5 years.  
Upset rental: \$2.50 per acre, per annum, payable semi-annually in advance.

2. The government land of Kohe, in Hamakua, Hawaii, containing an area of 185 acres, more or less.

Term: 5 years.  
Upset rental: \$2.50 per acre, per annum, payable semi-annually in advance.

For plan and further particulars, apply at the Public Lands Office, Honolulu.

ED. S. BOYD,  
Commissioner of Public Lands.  
Public Lands Office, Nov. 12, 1903.

## PUBLIC LANDS NOTICE.

Commissioner of Public Lands.

A land license for a period of 50 years, to collect, divert and sell the surface water and power produced therefrom, upon and from the public lands, situate on the Island of Hawaii and lying between the sea on the north; Waipio Valley on the East; Waipio Valley and the boundary line between the lands of Laupahoehoe 1 and 2, Nakoaka, Apua, Waikapu and Honokape on one side and the lands of Puukapu and Kawaihae 1, on the other side, until such line reaches an elevation of 4,200 ft., thence a contour line of 4,200 ft. elevation to Honokane on the South, and the land of Honokane and the private land of Awini on the West, subject to existing vested rights of private parties in such waters, will be offered at Public Auction on Monday, November 30, 1903, at 12 o'clock noon, at the front entrance of the Judiciary Building.

Persons competing at this sale will bid upon the rate per cent. of the net revenues of the enterprise carried on under such license, to be paid annually to the Government of the Territory of Hawaii, from and after the third year of the term of such license.

A bond of \$10,000 will be required on satisfactory to the Government, conditioned on the due performance of the requirement that \$10,000 be expended on construction within 18 months. From the beginning of the term of the license \$500 shall be paid by the holder thereof to the Government, semi-annually in advance irrespective of such rate per cent; the first payment of \$500 to be made at the fall of the hammer, by paying the same to the Commissioner of Public Lands. Upset 5 per cent. on the net revenues. Any bid than on percentage of the net revenues will not be entertained.

Full information in regard to other conditions of such license will be furnished at the office of the Commissioner of Public Lands.

E. S. BOYD,  
Commissioner of Public Lands.  
Public Lands Office, October 22, 1903.

## FORECLOSURES

## ISAAC TESTA.

**MORTGAGEE'S NOTICE OF INTENTION TO FORECLOSE AND OF SALE.**

Notice is hereby given, that by virtue and in pursuance of a power of sale contained in that certain mortgage deed dated March 21st, 1901, and of record in Liber 221 on pages 137 to 139, and made by Isaac Testa in his own right and also as Trustee to The First American Savings & Trust Co. of Hawaii, Ltd., and said The First American Savings & Trust Co. of Hawaii, Ltd., intends to foreclose said mortgage for breach of the conditions in said mortgage contained, to-wit, the non-payment of the principal and interest thereon when due.

Notice is also given that all and singular the lands, tenements and hereditaments in said mortgage described and hereafter described or so much thereof as may be necessary to satisfy the amount due under said mortgage, and all costs, charges and expenses attending such sale and foreclosure, will be sold at public auction by James F. Morgan at his salesroom on Kaahumanu street, Honolulu aforesaid, on Saturday, the 28th day of November, 1903, at 12 o'clock noon of that day.

The property covered by said mortgage and to be sold, is:

First. All those certain lots or parcels of land situate at Kaiala, Island of Oahu, being lots Nos. 7 and 8 of the Rose Estate, Lots at Kaiala, being a portion of Lots F and G of the Lunallilo Division of Kaiala and the same as conveyed to Isaac Testa by deed of record in Liber 188, page 403. Area, 54,053 square feet.

Second. All those lots or parcels of land situate at Kapahulu, Waikiki, Oahu aforesaid, and being lots Nos. 16 and 17 in Block 4 of Kapahulu lots, and conveyed to Isaac Testa by deed of record in Liber 188, page 408. Area, 10,000 square feet.

Third. All that parcel of land containing an area of 2 34-100 acres situate at Manoa, Oahu, being a portion of R. P. Grant 161 to W. H. Rice, Tr., and conveyed to Isaac Testa by deed of J. S. Emerson, Commissioner, dated September 27, 1895, of record in Liber 155, p. 324.

Fourth. All that certain land situate at Kawaiaola, Honolulu, Oahu, aforesaid, containing an area of 78-100 of an acre, being a portion of Apana 1, of R. P. 2697, L. C. A. 1165, and conveyed to Isaac Testa, Trustee, by deed of record in Liber 141, page 9.

Terms: Cash in U. S. Gold Coin.

Deeds at the expense of purchaser. Dated Honolulu, October 19th, 1903.

THE FIRST AMERICAN SAVINGS AND TRUST COMPANY OF HAWAII, LTD.

By its President,  
Cecil Brown.  
2532—Oct. 23, 30, Nov. 6, 13, 20.

## NOTICE TO CREDITORS

H. A. JAEGER.

The undersigned requests that all accounts and claims against him shall be handed in to Messrs. Kinney & McClanahan, Judd Building, Honolulu, on or before November 30th, 1903.

H. A. JAEGER.  
Honolulu, November 5th, 1903.  
6636—Nov. 13, 17, 20.

## TERRITORY VS. COUNTY.

[The Official and Commercial Record.]  
Secretary Carter, or Governor-Elect Carter, as he should perhaps be styled, has raised some interesting legal questions in connection with the loan and appropriation bills.

Heretofore there has been no local county or district government. The central government has collected all the revenue, and expended it at such places and for such purposes as the Legislature has directed in the appropriation bills.

All of the local public utilities, buildings and improvements have thus been built, owned and maintained by the central government. Thus the water works at Honolulu, Hilo, Waialuku, Lahaina and several other places have all been constructed and operated at the expense of the general treasury.

The last Legislature created a series of county governments, to come into operation on January 1, 1904.

The Legislature recognized that Territorial responsibility ended as to salaries of officers who are to perform county functions; for example, the police, road authorities, tax officers, etc., and only provided salaries for these officers from the Territorial treasury up to December 31, 1903, after which they will have to look to the counties for their pay.

The Legislature did not, however, recognize the termination of Territorial and the beginning of county responsibility in connection with the construction of numerous public improvements.

In fact, it constructed appropriation bills for public improvements precisely as though no division had taken place, county buildings and other local improvements being indiscriminately provided for along with purely Territorial matters.

This mixture of appropriations characterizes both the appropriations from current revenue and from the loan fund. No objection was made to this procedure by the Governor, nor by the President, when the loan bill and accompanying appropriation of the loan funds were submitted for his approval under the organic act.

For the first time the legality of these appropriations is now questioned. Whether they are valid or not is a question of the utmost importance, which should be settled as speedily as possible. The courts are the only authority which can give a final decision in the matter, and the sooner a test case can be made up and submitted for decision, the better for all concerned.

## THE COST OF LAND REGISTRATION

The Registrar of the Court of Land Registration has compiled a table of costs of court from which an applicant may compute the costs of registering his title to land. It will be seen that the costs of court may be estimated very closely on the basis of \$31 and \$1.50 per thousand dollars of assessed value of the real property.

This rule is close enough for all ordinary purposes, and is made up from the costs shown in the itemized table. The cost to the applicant is light for all ordinary homesteads or properties under \$100,000. The costs (\$181) do not amount to the sum paid for an abstract and opinion on the sale or mortgage of a property worth \$100,000, and yet the government for this figure insures the title to the purchaser, and the boundaries are finally settled. For a property worth \$10,000, \$46 is charged, less than the costs of a deed and opinion on title in each case of transfer of the property.

The ambitious climber: The Guide—"Well, here we are on the peak at last." The Tourist—"Oh, Guide, do you mean to say we can get no higher? Don't say that I can ascend no further?" The Guide—"Well, you can climb up this alpenstock if you want to. It's seven feet long."—Chicago Tribune.